

Also, a bill (H. R. 14236) granting an increase of pension to Nicholas Brady; to the Committee on Invalid Pensions.

By Mr. SHREVE: A bill (H. R. 14237) granting a pension to Ella M. Fall; to the Committee on Invalid Pensions.

By Mr. STEPHENS of Ohio: A bill (H. R. 14238) for the relief of Alexander J. Mitchell; to the Committee on Military Affairs.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3872. By the SPEAKER (by request): Petition of Kiwanis Club, of Washington, favoring the granting to teachers in the District of Columbia of a bonus of at least \$500 for the year ending June 30, 1920; to the Committee on the District of Columbia.

3873. By Mr. CROWTHER: Petition of numerous residents of Delanson, N. Y., urging immediate enactment of House bill 262; to the Committee on Interstate and Foreign Commerce.

3874. Also, petition of board of directors of the Schenectady (N. Y.) Board of Trade, urging the repeal of the excess profits and certain other taxes imposed under the revenue act of 1918; to the Committee on Ways and Means.

3875. By Mr. DYER: Petition of E. Lowitz & Co., of St. Louis, Mo., protesting against proposed tax on stock transactions; to the Committee on Ways and Means.

3876. Also, petition of Central Coal & Coke Co., of Kansas City, Mo., opposing passage of Senate bill 4278; to the Committee on Interstate and Foreign Commerce.

3877. Also, petition of Ashgrove Lime & Portland Cement Co., of Kansas City, Mo., favoring legislation prohibiting interference with interstate commerce; to the Committee on the Judiciary.

3878. Also, petition of Ben Franklin Club, of St. Louis, Mo., protesting against proposed tax on advertising; to the Committee on Ways and Means.

3879. Also, petition of Future City Lodge, No. 1, and the United Garment Makers' Union of America, favoring amnesty to political prisoners; to the Committee on the Judiciary.

3880. By Mr. EDMONDS: Petition of the Philadelphia Real Estate Board, protesting against the passage of House bill 12397; to the Committee on Ways and Means.

3881. By Mr. FULLER of Illinois: Petition of E. A. Clarke, of Rockford, Ill., protesting against the provision of the soldiers' bonus bill imposing a tax on sales of stocks, bonds, and other investment securities, and Holcomb Dutton Lumber Co., of Sycamore, Ill., and others opposing the tax on sales; to the Committee on Ways and Means.

3882. Also, petition of National Implement and Vehicle Association, of Chicago, Ill., concerning House bill 3223; to the Committee on Patents.

3883. Also, petition of the smaller packers of the United States, concerning legislation for Government control of the packing industry; to the Committee on Interstate and Foreign Commerce.

3884. By Mr. GALLIVAN: Petition of National Federation of Employees, of Springfield, Mass., favoring continuation of work of reclassifying salaries of Government employees; to the Committee on Appropriations.

3885. Also, petition of Roxbury Post and Boston Fire Department Post, American Legion, favoring bonus legislation; to the Committee on Ways and Means.

3886. Also, four petitions of citizens of Boston, Mass., favoring increase of salaries for postal employees; to the Committee on the Post Office and Post Roads.

3887. By Mr. HUDSPETH: Petition of Commodore John Barry Branch, Friends of Irish Freedom, of El Paso, Tex., favoring the passage of House bill 3404; to the Committee on Foreign Affairs.

3888. By Mr. McDUFFIE: Petition of Dixie Fruit Products Corporation, of Mobile, Ala., urging relief for the perishable food industries of the South by supplying freight cars immediately; to the Committee on Interstate and Foreign Commerce.

3889. By Mr. O'CONNELL: Petition of Architectural and Ornamental Iron and Bronze Workers' Union of New York City, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3890. By Mr. RAKER: Petition of Aaron Sapiro, of San Francisco, Calif., counsel for the California Prune and Apricot Growers' Association, urging support of the Volstead-Capper bill; to the Committee on the Judiciary.

3891. Also, petition of Los Angeles Lodge, No. 311, International Association of Machinists, urging support of Senate joint

resolution 171 and Senate bill 1233; to the Committee on the Judiciary.

3892. Also, petition of United National Association, Branch 214, National Association, and Local No. 2, National Federation of Post Office Clerks and Letter Carriers of San Francisco, Calif., urging early and favorable action by Congress on relief for postal employees; to the Committee on the Post Office and Post Roads.

3893. By Mr. SANDERS of New York: Petition of Mrs. S. T. Lyke and 120 other residents of Arcade, N. Y., urging the passage of House bill 10925, offering the aid of the National Government to any State that will join in maternal and infant welfare work; to the Committee on Interstate and Foreign Commerce.

3894. By Mr. VARE: Petition of Philadelphia Board of Trade, demanding divorcement of Department of Labor from the handling of cases pertaining to undesirable aliens; to the Committee on Immigration and Naturalization.

3895. By Mr. WILSON of Pennsylvania: Petition of ex-servicemen of Pennsylvania, favoring \$500 cash bonus; to the Committee on Ways and Means.

#### SENATE.

WEDNESDAY, May 26, 1920.

(Legislative day of Monday, May 24, 1920.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

#### SUNDRY CIVIL APPROPRIATIONS.

Mr. WARREN. I ask unanimous consent that the unfinished business, so recorded on the calendar, the conference report on House bill 3184, the water power bill, be laid aside, that we may proceed with the sundry civil appropriation bill.

The VICE PRESIDENT. Is there objection? The Chair hears none.

Mr. WARREN. I ask that the Senate proceed to the consideration of House bill 13870, the sundry civil appropriation bill.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 13870) making appropriations for sundry civil expenses of the Government for the fiscal year ending June 30, 1921, and for other purposes, which had been reported from the Committee on Appropriations with amendments.

Mr. WARREN. I ask unanimous consent that the formal reading of the bill be dispensed with, and that the bill be read for amendment, the amendments of the committee to be first considered.

The VICE PRESIDENT. Is there objection? The Chair hears none, and it is so ordered.

The Reading Clerk proceeded to read the bill.

The first amendment of the Committee on Appropriations was, under the head of "Treasury Department," subhead "Quarantine stations," on page 5, line 5, after the word "station," to insert "and all other maritime quarantine stations," so as to make the clause read:

The schedule of fees and rates of charges in effect at the New York quarantine station at the time of the transfer of the title thereto to the United States shall be adopted and promulgated by the Secretary of the Treasury as the schedule of fees and rates of charges for the operation of the said station and all other maritime quarantine stations under the jurisdiction of the United States.

Mr. GAY. I wish to make a point of order against that amendment. This is general legislation; it is new. I will state that it is the same amendment that was offered in the House, and a point of order was made against it there.

The VICE PRESIDENT. The House rule and the Senate rule are different.

Mr. GAY. The point of order was sustained by the Chair in the House. The effect of this amendment would be to make all quarantine stations in the country charge the same rates that are charged in New York, where, I understand, the present rates are higher than they are at some other points. I think it would be discriminatory, and I therefore make the point of order against it.

The VICE PRESIDENT. The rule of the Senate and the rule of the House are different. The rule of the House is that no new legislation may be added to an appropriation bill. The rule of the Senate is that no general legislation may be added to an appropriation bill.

Mr. GAY. This is general legislation.

The VICE PRESIDENT. Is there a statute on the subject of fees?

Mr. GAY. There is.

The VICE PRESIDENT. Is it admitted by the chairman of the committee that there is a statute fixing the fees?

Mr. WARREN. The matter, I think, does not transgress the rule, but if the Senator from Louisiana wishes to have it stricken out, I shall not contend against it.

The VICE PRESIDENT. Then, of course, the Chair will sustain the point of order and let it go at that.

The next amendment was, under the subhead "Public buildings, repairs, equipment, and general expenses," on page 8, line 20, after the word "for," to insert "additional salary of \$1,000 for the Supervising Architect of the Treasury for the fiscal year 1921," so as to read:

General expenses: To enable the Secretary of the Treasury to execute and give effect to the provisions of section 6 of the act of May 30, 1908 (35 Stats., p. 537): For additional salary of \$1,000 for the Supervising Architect of the Treasury for the fiscal year 1921; foremen draftsmen, architectural draftsmen, and apprentice draftsmen, at rates of pay from \$840 to \$2,500 per annum; structural engineers and draftsmen, at rates of pay from \$840 to \$2,500 per annum.

The amendment was agreed to.

The next amendment was, under the subhead "Coast Guard," on page 15, line 15, after "\$5,776,000," to insert "Provided, That not more than 10 enlisted men at one time may be detailed to duty in the District of Columbia," so as to make the clause read:

For pay and allowances prescribed by law for commissioned officers, cadets and cadet engineers, warrant officers, petty officers, and other enlisted men, active and retired, temporary cooks and surfmen, substitute surfmen, and one civilian instructor, \$5,776,000: *Provided*, That not more than 10 enlisted men at one time may be detailed to duty in the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 15, after line 17, to insert:

Titles of commissioned officers of the Coast Guard are hereby changed as follows: Senior captain to commander, captain to lieutenant commander, first lieutenant to lieutenant, second lieutenant to lieutenant, junior grade, third lieutenant to ensign, captain of engineers to lieutenant commander (engineering), first lieutenant of engineers to lieutenant (engineering), second lieutenant of engineers to lieutenant, junior grade (engineering), and third lieutenant of engineers to ensign (engineering): *Provided*, That all laws applicable to the titles hereby abolished in the Coast Guard shall apply to the titles hereby established.

The amendment was agreed to.

The next amendment was, on page 17, after line 9, to insert:

For expenses incident to establishing and maintaining buoys to mark anchorage grounds in the harbors of New York and Hampton Roads, \$31,150.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of War Risk Insurance," on page 21, line 1, after the words "by the," to strike out "Bureau of War Risk Insurance" and insert "Secretary of the Treasury"; in line 4, after the word "Service," to strike out "and"; and in line 6, after the word "Soldiers," to insert "and the War and Navy Departments," so as to make the clause read:

Medical and hospital services: For medical, surgical, and hospital services, medical examinations, funeral expenses, traveling expenses, and supplies, for beneficiaries of the Bureau of War Risk Insurance, including court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, \$46,000,000. This appropriation shall be disbursed by the Secretary of the Treasury and such portion thereof as may be necessary shall be allotted from time to time to the Public Health Service, the Board of Managers of the National Home for Disabled Volunteer Soldiers, and the War and Navy Departments and transferred to their credit for disbursement by them for the purposes set forth in this paragraph. The allotments to the said board of managers shall also include such sums as may be necessary to alter or improve existing facilities in the several branches under its jurisdiction so as to provide adequate accommodations for such beneficiaries of the Bureau of War Risk Insurance as may be committed to its care.

The amendment was agreed to.

The next amendment was, under the subhead "Miscellaneous objects, Treasury Department," on page 24, line 15, after the words "United States," to strike out "\$375,000" and insert "\$400,000," so as to read:

Suppressing counterfeiting and other crimes: For expenses incurred under the authority or with the approval of the Secretary of the Treasury in detecting, arresting, and delivering into the custody of the United States marshal having jurisdiction dealers and pretended dealers in counterfeit money and persons engaged in counterfeiting Treasury notes, bonds, national bank notes, and other securities of the United States and of foreign Governments, as well as the coins of the United States and of foreign Governments, and other felonies committed against the laws of the United States relating to the pay and bounty laws, and for the enforcement of section 18 of the War Finance Corporation act; hire and operation of motor-propelled or horse-drawn passenger-carrying vehicles when necessary: per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for no other purpose whatever, except in the protection of the person of the President and the members of his immediate family and of the person chosen to be President of the United States, \$400,000.

The amendment was agreed to.

The next amendment was, under the subhead "Customs Service," on page 25, line 16, after the word "revenue," to strike out "\$10,300,000" and insert "\$12,300,000"; and in line 18, after the word "appropriation," to strike out "Provided further, That the Secretary of the Treasury, in the expenditure of this sum, shall allot to the customs districts of the United States on the Mexican border such amounts as will enable those districts to perform adequately the duties authorized and required by law," so as to make the clause read:

For collecting the revenue from customs, including not exceeding \$200,000 for the detection and prevention of frauds upon the customs revenue, \$12,300,000: *Provided*, That not more than one appraiser for the port of Baltimore shall be paid from this appropriation.

The amendment was agreed to.

The next amendment was, on page 26, after line 6, to insert:

#### BUREAU OF INTERNAL REVENUE.

Enforcement of the national prohibition act: For the employment of additional officers, traveling and other necessary miscellaneous expenses to guard intoxicating liquors in bonded and other warehouses, and prevent violations of the national prohibition act, \$1,500,000.

The amendment was agreed to.

The next amendment was, under the subhead "Public Health Service," on page 28, line 11, after the word "vehicles," to insert "court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane," so as to make the clause read:

For medical, surgical, and hospital services and supplies for beneficiaries (other than war-risk insurance patients) of the Public Health Service, including necessary personnel, regular and reserve commissioned officers of the Public Health Service, clerical help in the District of Columbia and elsewhere, maintenance, equipment, leases, fuel, lights, water, printing, freight, transportation and travel, maintenance and operation of passenger motor vehicles, court costs and other expenses incident to proceedings heretofore or hereafter taken for commitment of mentally incompetent persons to hospitals for the care and treatment of the insane, and reasonable burial expenses (not exceeding \$100 for any patient dying in hospital), \$4,000,000.

The amendment was agreed to.

Mr. WARREN. In line 17, on page 28, I move to strike out "Bureau of War Risk Insurance" and insert in lieu thereof "Secretary of the Treasury."

The amendment was agreed to.

The next amendment was, on page 31, line 11, after the word "pellagra," to strike out "\$32,500" and insert "\$16,250: *Provided*, That no part of this sum shall be available for expenditure after December 31, 1920," so as to make the clause read:

Pellagra: For rental, equipment, and maintenance of a temporary field hospital and laboratory, including pay of personnel, for special studies of pellagra, \$16,250: *Provided*, That no part of this sum shall be available for expenditure after December 31, 1920.

The amendment was agreed to.

The next amendment was, on page 31, line 17, after the word "service," to strike out "\$35,000" and insert "\$50,000," so as to make the clause read:

Biologic products: To regulate the propagation and sale of viruses, serums, toxins, and analogous products, and for the preparation of curative and diagnostic biologic products, including personal service, \$50,000.

The amendment was agreed to.

The reading was continued to page 34, line 4.

Mr. WARREN. After the words "per annum," line 4, page 34, I move to insert the following proviso:

*Provided further*, That the unexpended balance of the \$32,000 heretofore appropriated for liquidating the affairs of the Committee on Public Information is hereby reappropriated.

The amendment was agreed to.

The next amendment was, under the head of "Interdepartmental Social Hygiene Board," on page 37, after line 3, to insert:

The duties and powers conferred upon the Interdepartmental Social Hygiene Board by chapter 15 of the Army appropriation act approved July 9, 1918, with respect to the expenditure of the appropriations made therein are extended and made applicable to the appropriations for similar purposes made in this act.

The amendment was agreed to.

The next amendment was, on page 37, after line 22, to insert:

For allotment to the various States for the prevention, treatment, and control of venereal diseases, \$450,000; and the unexpended balance on June 30, 1920 (approximately \$300,000), of the appropriation heretofore made for this purpose is continued and made available during the fiscal year 1921: *Provided*, That no part of this sum shall be allotted to any State unless such State, in a manner satisfactory to the board, shall have complied with, and shall have given assurance of continued compliance with, the conditions and regulations governing such allotments and the expenditures that may be made therefrom.

The amendment was agreed to.



The next amendment was, on page 38, after line 9, to insert:  
For payment to universities, colleges, and other suitable institutions, for scientific research for the purpose of discovering more effective medical measures in the prevention and treatment of venereal diseases, \$85,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 13, to insert:  
For payment to universities, colleges, and other suitable institutions and organizations for the purpose of discovering and developing more effective educational measures in the prevention of venereal diseases, \$250,000.

The amendment was agreed to.

The next amendment was, on page 38, after line 17, to insert:  
No part of the respective sums contained in the two preceding paragraphs shall be paid to any university, college, institution, or organization which does not set aside an additional sum for the same purpose at least equal to the amount to be received from the United States.

The amendment was agreed to.

The next amendment was, on page 38, line 23, after the word "Board," to strike out "\$230,000," and insert "\$1,015,000," so as to make the clause read:

In all, Interdepartmental Social Hygiene Board, \$1,015,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 12, to insert:  
RAILROAD LABOR BOARD.

For nine members of the board, at \$10,000 each; secretary, \$5,000; in all, \$95,000.

The amendment was agreed to.

The next amendment was, on page 42, after line 15, to insert:  
For all other authorized expenditures of the Railroad Labor Board in performing the duties imposed by law, including personal and other services in the District of Columbia and elsewhere, supplies and equipment, law books and books of reference, periodicals, printing and binding, traveling expenses, per diem in lieu of subsistence not to exceed \$7, rent of quarters in the District of Columbia if space is not provided by the Public Buildings Commission, rent of quarters outside the District of Columbia, witness fees, and mileage, \$355,000, of which sum \$50,000 shall be available for the fiscal year 1920.

The amendment was agreed to.

The next amendment was under the subhead "Emergency shipping fund," on page 45, line 25, after the words "Fleet Corporation," to insert "but nothing in this proviso shall affect, modify, or repeal any provision of the 'shipping act, 1920,'" so as to make the clause read:

The expenses of the United States Shipping Board Emergency Fleet Corporation during the fiscal year ending June 30, 1921, for administrative purposes, the payment of claims arising from the cancellation of contracts, damage charges, and miscellaneous adjustments, maintenance and operation of vessels, and the completion of vessels now under construction shall be paid from the following sources: (a) The amount on hand July 1, 1920; (b) the amount received during the fiscal year 1921 from the operation of ships; (c) not to exceed \$15,000,000 from deferred payments on ships sold prior to the approval of this act; (d) not to exceed \$25,000,000 from plant and material sold during the fiscal year 1921; and (e) not to exceed \$30,000,000 from ships sold during the fiscal year 1921: *Provided*, That after the approval of this act no contract shall be entered into or work undertaken for the construction of any additional vessels for the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation, but nothing in this proviso shall affect, modify, or repeal any provisions of the "shipping act, 1920."

Mr. WARREN. I move to amend the amendment of the committee on page 46, line 2, by striking out the word "shipping" and inserting in lieu thereof "merchant marine."

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

The next amendment was, under the head of "Smithsonian Institution," on page 48, after line 9, to insert:

National Gallery of Art: For the administration of the National Gallery of Art by the Smithsonian Institution, including compensation of necessary employees and necessary incidental expenses, \$15,000.

The amendment was agreed to.

The next amendment was, at the top of page 49, to insert:

For the purchase, by condemnation or otherwise, of all of the following lots, pieces, or parcels of land lying between the present western boundary of the National Zoological Park and Connecticut Avenue, now known or described on the records of the surveyor of the District of Columbia as parcels Nos. 54 over 5, 54 over 6, 55 over 60, 55 over 61, the portion of parcel known as No. 54 over 4 that lies between the south line of Jewett Street and a line parallel to and 300 feet distant south from said south line of Jewett Street, and the portion of parcel No. 55 over 58 that lies between the north line of Jewett Street and a line drawn parallel to and 300 feet distant north from said north line of Jewett Street, \$80,000, or such portion thereof as may be necessary, to be available till the termination of the proceedings herein authorized. The Secretary of the Treasury is hereby authorized and directed to purchase any of said land that he can obtain by agreement with the owners thereof at prices not in excess of the valuation placed on said land by the jury and approved by the court in the condemnation proceedings had under authority of the provisions of the sundry civil act approved June 23, 1913: *Provided*, That the price of the portion of a parcel of land shall be pro rata of the valuation of the entire parcel, based on area, except that the price of the portions hereinbefore described of parcel No. 55 over 58 shall be pro rata of the valuation of parcel No. 54 over 4; and the Secretary of the Treasury is further authorized and directed to institute proceedings (under provisions of sundry civil act approved June 23, 1913) for the condemnation of any of the land hereinbefore described that he may be unable

to purchase by agreement with the owner or owners thereof. The land acquired under the provisions of this act, together with the included highways (Jewett Street from the National Zoological Park to Connecticut Avenue, and the new highway connection therewith established under the provisions of public act No. 203, approved April 28, 1904, for a distance of 250 feet north from Jewett Street and 250 feet south from Jewett Street), shall be added to and become a part of the National Zoological Park: *Provided*, That such portion of said land as may be necessary may be used for a highway not more than 50 feet wide adjacent to the north line of the land taken from parcel No. 55 over 58 and a highway not more than 50 feet wide adjacent to the south line of the land taken from parcel No. 54 over 4, said highways to extend from Connecticut Avenue to the new highway hereinabove mentioned, and to be under the jurisdiction of the Commissioners of the District of Columbia.

The amendment was agreed to.

The next amendment was, on page 51, after line 7, to insert:

UNITED STATES PILGRIM TERCENTENARY COMMISSION.

For the participation of the United States in the observance of the three hundredth anniversary of the landing of the Pilgrims at Provincetown and Plymouth, Mass., in accordance with the provisions of public resolution No. 42 (Sixty-sixth Congress), approved May 13, 1920, \$400,000.

The amendment was agreed to.

The next amendment was, under the head of "War Department," on page 51, after line 16, to insert:

Temporary employees: For personal services in the Office of the Director of Finance, War Department, \$283,000, which may be expended notwithstanding the third proviso of the paragraph entitled "Temporary employees, War Department," contained in the legislative, executive, and judicial appropriation act for the fiscal year 1921.

The amendment was agreed to.

The next amendment was, under the subhead "Armories and arsenals," on page 53, line 9, after the word "airship," to strike out "\$125,000" and insert "\$160,000," so as to make the clause read:

Aberdeen Proving Ground, Md.: For the construction of a steel hangar to accommodate one United States Navy type "C-2" airship, \$160,000.

The amendment was agreed to.

The next amendment was, on page 53, after line 9, to insert:  
Storage facilities for ammunition, Ogden, Utah: Section 355 of the Revised Statutes of the United States shall not apply to the expenditure of appropriations for the Ordnance Department of the Army provided for in the second deficiency appropriation act for the fiscal year 1920 for the purchase of land near Ogden, Utah, and for improvements upon such land.

The amendment was agreed to.

The next amendment was, under the subhead "Quartermaster Corps," on page 58, line 9, after the word "exceeding," to strike out "\$100,000" and insert "\$500,000," so as to read:

That there may be expended from and after the approval of this act and until June 30, 1921, from this appropriation and the appropriation for this purpose for the fiscal year 1920, a total amount not exceeding \$500,000 for personal services in the Cemeterial Division, Office of the Quartermaster General, War Department, for compiling, recording, preparing, and transmitting data incident to the disposition of the remains referred to herein; this sum may be expended notwithstanding the third proviso of the paragraph entitled "Temporary employees, War Department," contained in the legislative, executive, and judicial appropriation act for the fiscal year 1921.

The amendment was agreed to.

The next amendment was, at the top of page 60, to insert:

Rostrum for Battle Ground National Cemetery, District of Columbia: For the construction of a rostrum at the Battle Ground (District of Columbia) National Cemetery, including necessary material and labor, in order to provide suitable place for holding memorial exercises, etc., \$2,500.

The amendment was agreed to.

The next amendment was, under the subhead "Engineer Department," on page 66, after line 15, to insert:

For construction of road surrounding the Lincoln Memorial and roads leading thereto from existing improved roads, \$100,000.

The amendment was agreed to.

The next amendment was, on page 70, after line 21, to insert:

Relocation of military road between Aqueduct Bridge and Fort Myer, Va.: For the purpose of eliminating dangerous curves in the military road between the Aqueduct Bridge over the Potomac River and Fort Myer, Va., and on the condition that such right, title, and interest in the real estate necessary or desirable for the purpose aforesaid can be acquired without cost to the Government other than the exchange or surrender thereof of that portion of the existing road for which the relocated portion would be substituted, the Secretary of War is authorized to relocate a portion of said road over a distance of about 1,200 linear feet, extending from the vicinity of Greenlees Street in the town of Rosslyn, Va., to an intersection with the said road as now located; to exchange or surrender for, or in lieu of, the real estate, or interest therein, included in such new route, the right, title, and interest of the Government in that portion of the present existing road cut off by said relocation; and to construct a new roadway over said new route; and for the purpose of meeting the expenditures necessary for carrying out the aforesaid project, \$20,000.

The amendment was agreed to.

The next amendment was, on page 73, after line 3, to strike out:

For pay of inspectors, deputy inspectors, and office forces and expenses of office, \$14,260.

For pay of crews and maintenance of patrol fleet, six steam tugs and one launch, \$95,000.

In all, \$109,260.

And insert:

For pay of inspectors, deputy inspectors, crews, and office force, and for maintenance of patrol fleet and expenses of office, \$122,985.

The amendment was agreed to.

The next amendment was, under the subhead "Medical Department," on page 73, line 22, after the words "prior to," to strike out "October" and insert "April," so as to make the clause read:

Appliances for disabled soldiers: For furnishing surgical appliances to persons disabled in the military or naval service of the United States, prior to April 6, 1917, and not entitled to artificial limbs or trusses for the same disabilities, \$500.

The amendment was agreed to.

The next amendment was, on page 74, after line 4, to insert:

Medical and surgical history of the German War: For the purpose of preparing for publication under the direction of the Secretary of War, including the hire of temporary additional employees in the Office of the Surgeon General, if necessary, and of printing and binding at the Government Printing Office, a medical and surgical history of the war with Germany, including the necessary engravings and illustrations, \$75,000.

The amendment was agreed to.

The next amendment was, under the subhead "National Home for Disabled Volunteer Soldiers," on page 78, line 12, after "\$23,000," to insert "together with the unexpended balance of this appropriation, for this purpose, for the fiscal year 1920," so as to make the clause read:

For repairs, including the same objects specified under this head for the Central Branch, \$23,000, together with the unexpended balance of this appropriation, for this purpose, for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 83, line 15, after the words "by the," to strike out "Bureau of War Risk Insurance" and insert "Secretary of the Treasury," and in line 18, after the words "beneficiaries of," to strike out "that bureau" and insert "the Bureau of War Risk Insurance," so as to make the clause read:

The allotments made by the Secretary of the Treasury to the Board of Managers of the National Home for Disabled Volunteer Soldiers for the care of beneficiaries of the Bureau of War Risk Insurance by the said board shall also be available for expenditure by the board on that account at such of the homes and for such of the objects of expenditure at such homes as are hereinbefore enumerated, including the sums allotted for alteration and improvement of existing facilities so as to provide adequate accommodations for the beneficiaries of the Bureau of War Risk Insurance.

The amendment was agreed to.

The next amendment was, on page 87, after line 2, to insert:

TRANSPORTATION FACILITIES ON INLAND AND COASTWISE WATERWAYS.

For additional expense incurred in the operation of boats, barges, tugs, and other transportation facilities on the inland, canal, and coastwise waterways acquired by the United States in pursuance of the fourth paragraph of section 6 of the Federal control act of March 21, 1918: *Provided*, That not to exceed \$17,680 of this appropriation may be used for the payment of experts, clerks, and other employees in the War Department in accordance with the provisions of section 201 (e) of the transportation act, 1920, approved February 28, 1920, \$4,436,297.60.

The amendment was agreed to.

The next amendment was, under the head of "Department of the Interior," subhead "Public buildings," on page 88, line 16, after the word "house," to insert "Senate and House stables," so as to make the clause read:

For repairs and improvements to steam fire-engine house, Senate and House stables, and Maitly Building, including personal services, \$1,000; this and the three foregoing sums may, in the discretion of the Secretary of the Interior, be expended for purchases of articles without reference to section 4 of the act approved June 17, 1910, concerning purchases for executive departments.

The amendment was agreed to.

The next amendment was, under the subhead "Public lands service," on page 89, line 22, after the word "reservations," to insert "and of clerks transferred or detailed from one district land office to another"; on page 90, line 6, after the words "General Land Office," to strike out "\$350,000" and insert "\$375,000: *Provided further*, That the clerks employed hereunder in Alaska may be paid a compensation not to exceed \$2,220 per annum," so as to make the clause read:

Contingent expenses of land offices: For clerk hire, rent, and other incidental expenses of the district land offices, including the expenses of depositing public money; per diem, in lieu of subsistence, of clerks detailed to examine the books and management of district land offices and to assist in the operation of said offices, and in the opening of new land offices and reservations, and of clerks transferred or detailed from one district land office to another, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, and for actual necessary traveling expenses of said clerks, including necessary sleeping-car fares: *Provided*, That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office, \$375,000: *Provided further*, That the clerks employed hereunder in Alaska may be paid a compensation not to exceed \$2,220 per annum.

The amendment was agreed to.

The next amendment was, on page 90, line 18, after the word "exceeding," to strike out "\$20,000" and insert "\$25,000," so as to read:

Depredations on public timber, protecting public lands, and settlement of claims for swamp land and swamp-land indemnity: For protecting timber on the public lands, and for the more efficient execution of the law and rules relating to the cutting thereof; of protecting public lands from illegal and fraudulent entry or appropriation, and of adjusting claims for swamp lands, and indemnity for swamp lands, including not exceeding \$15,000 for clerical services in bringing up and making current the work of the General Land Office, \$500,000, including not exceeding \$25,000 for the purchase of motor-propelled passenger-carrying vehicles for the use of agents and others employed in the field service and for operation, maintenance, and exchange of same, and for operation and maintenance of a motor boat.

The amendment was agreed to.

The next amendment was, on page 92, line 14, after the words "surveyors general," to strike out "\$5,000" and insert "\$6,000," so as to make the clause read:

Reproducing plats of surveys: To enable the Commissioner of the General Land Office to continue to reproduce worn and defaced official plats of surveys on file, and other plats constituting a part of the records of said office, to furnish local land offices with the same, and for reproducing by photolithography original plats of surveys prepared in the offices of surveyors general, \$6,000: *Provided*, That hereafter photolithographic copies of township plats shall be sold to the public at 50 cents each.

The amendment was agreed to.

Mr. WARREN. I offer the amendment which I send to the desk to come in on page 95, after line 16.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 95, after line 16, it is proposed to insert the following:

#### BUREAU OF PENSIONS.

For expenses of administration of the act of Congress approved May 22, 1920, providing for retirement of employees in the classified civil service, as indicated in section 15 thereof, as follows: For personal and other services, \$49,280; for medical and other examinations, including traveling expenses, \$8,000; stationery, \$5,000; office equipment, \$2,680; printing, \$2,000; contingent expenses, \$200; books of reference, \$200; in all, \$67,360.

The amendment was agreed to.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, under the subhead "United States Geological Survey," on page 96, line 13, after the words "national forests," to strike out "\$330,000" and insert "\$370,000," so as to make the clause read:

For topographic surveys in various portions of the United States, including lands in national forests, \$370,000.

The amendment was agreed to.

The next amendment was, on page 97, line 16, after the word "laws," to insert "to be immediately available," so as to make the clause read:

For the examination and classification of lands requisite to the determination of their suitability for enlarged homesteads, stock-raising homesteads, public watering places, and stock driveways, or other uses, as required by the public-land laws, to be immediately available, \$300,000.

The amendment was agreed to.

The next amendment was, on page 98, line 6, after the words "Geological Survey," to strike out "\$1,655,700" and insert "\$1,695,700," so as to make the clause read:

In all, United States Geological Survey, \$1,695,700.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Mines," on page 100, line 22, after "1915," to strike out "\$175,000" and insert "\$250,000," so as to make the clause read:

For the employment of personal services and all other expenses in connection with the establishment, maintenance, and operation of mining experiment stations, authorized by the act approved March 3, 1915, \$250,000.

The amendment was agreed to.

The next amendment was, on page 102, after line 4, to insert: Authority is granted the Secretary of the Interior to sell at public auction lots 1, 2, and 3, block 120, with any improvements thereon, of the original town site of Billings, Mont., which were used as a United States mine rescue station; the proceeds of said sale to be deposited and covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 104, line 26, after the words "Bureau of Mines," to strike out "\$1,277,642" and insert "\$1,352,642," so as to make the clause read:

In all, Bureau of Mines, \$1,352,642.

The amendment was agreed to.

The next amendment was, under the subhead "Reclamation Service," on page 107, line 14, after "\$317,000," to insert "together with the unexpended balance of the appropriation for



this project for the fiscal year 1920," so as to make the clause read:

Minidoka project, Idaho: For operation and maintenance, continuation of construction, and incidental operations, \$317,000, together with the unexpended balance of the appropriation for this project for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 108, line 15, after "\$1,000,000," to insert "together with the unexpended balance of the appropriation for this project for the fiscal year 1920," so as to make the clause read:

Rio Grande project, New Mexico-Texas: For operation and maintenance, continuation of construction, and incidental operations, \$1,000,000, together with the unexpended balance of the appropriation for this project for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 108, line 24, after "\$289,000," to insert "together with the unexpended balance of the appropriation for this project for the fiscal year 1920," so as to make the clause read:

Klamath project, Oregon-California: For operation and maintenance, continuation of construction, and incidental operations, \$289,000, together with the unexpended balance of the appropriation for this project for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 109, line 3, after "\$120,000," to insert "together with the unexpended balance of the appropriation for this project for the fiscal year 1920," so as to make the clause read:

Belle Fourche project, South Dakota: For operation and maintenance, continuation of construction, and incidental operations, \$120,000, together with the unexpended balance of the appropriation for this project for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 109, line 24, after "\$459,000," to insert "together with the unexpended balance of the appropriation for this project for the fiscal year 1920," so as to make the clause read:

Shoshone project, Wyoming: For operation and maintenance, continuation of construction, and incidental operations, \$459,000, together with the unexpended balance of the appropriation for this project for the fiscal year 1920.

The amendment was agreed to.

The next amendment was, on page 110, line 5, after the word "operations," to strike out "\$25,000" and insert "\$100,000," so as to read:

Riverton project, Wyoming: For the reclamation of lands within and in the vicinity of the ceded portion of the Wind River or Shoshone Reservation, including operation and maintenance, continuation of construction, and incidental operations, \$100,000.

The amendment was agreed to.

The next amendment was, on page 111, line 10, after the words "Reclamation Service," to strike out "\$8,368,000" and insert "\$8,443,000," so as to make the clause read:

In all, for the Reclamation Service, \$8,443,000.

The amendment was agreed to.

The next amendment was, under the subhead "Territory of Alaska," on page 112, line 8, after the word "Alaska," to strike out "and including a plant for cleaning coal," so as to make the clause read:

Alaskan Engineering Commission: For carrying out the provisions of the act entitled "An act to authorize the President of the United States to locate, construct, and operate railroads in the Territory of Alaska, and for other purposes," approved March 12, 1914, as amended, including expenses incident to conducting hearings and examining estimates for appropriations in Alaska, \$7,000,000, to continue available until expended.

The amendment was agreed to.

The next amendment was, on page 113, line 6, after the word "expenses," to strike out "\$115,000" and insert "\$120,630," and in line 9, after the word "exceed," to strike out "\$520" and insert "\$540," so as to make the clause read:

Insane of Alaska: For care and custody of persons legally adjudged insane in Alaska, including transportation and other expenses, \$120,630: *Provided*, That authority is granted to the Secretary of the Interior to pay from this appropriation to the Sanitarium Co. of Portland, Oreg., not to exceed \$540 per capita per annum for the care and maintenance of Alaskan insane patients during the fiscal year 1921.

The amendment was agreed to.

The next amendment was, on page 115, after line 22, to insert: Exportation of birch timber: Hereafter birch timber may be exported from Alaska.

The amendment was agreed to.

The next amendment was, under the subhead "National parks," on page 116, line 4, after "\$1,800," to strike out "junior draftsman, \$1,440"; in line 5, after the word "clerks," to strike out "three" and insert "two of class 4, two"; in the same line, after the word "three," to strike out "two" and insert "one"; and in line 7, after the words "District of Columbia," to strike out "\$28,260" and insert "\$27,420," so as to make the clause read:

National Park Service: Director, \$4,500; assistant director, \$2,500; chief clerk, \$2,000; editor, \$2,000; draftsman, \$1,800; accountant, \$1,800; clerks—two of class 4, two of class 3, one of class 2, one of class 1, one \$1,020, two at \$900 each; messenger, \$600; in all, for park service in the District of Columbia, \$27,420.

The amendment was agreed to.

The next amendment was, on page 116, after line 8, to insert:

For fighting forest fires in the national parks and national monuments, \$50,000.

The amendment was agreed to.

The next amendment was, on page 118, line 19, after the words "shall be," to strike out "used in the protection and improvement of the said reservation" and insert "covered into the Treasury as miscellaneous receipts," so as to make the clause read:

The Secretary of the Interior is hereby authorized to assess and collect from physicians who desire to prescribe the hot waters from the Hot Springs Reservation reasonable charges for the exercise of such privilege, including fees for examination and registration; and he is also authorized to assess and collect from bath attendants and masseurs operating in all bathhouses receiving hot water from the reservation reasonable charges for the exercise of such privileges. The moneys received from the exercise of this authority shall be covered into the Treasury as miscellaneous receipts.

The amendment was agreed to.

The next amendment was, on page 119, line 15, after "\$40,000," to insert "of which sum \$1,500 shall be immediately available for the installation and repair of telephone lines," so as to make the clause read:

Mount Rainier National Park, Wash.: For administration, protection, maintenance, and improvement, including not exceeding \$800 for the maintenance, operation, and repair of a motor-driven passenger-carrying vehicle for use of the superintendent and park employees in connection with general park work, \$40,000, of which sum \$1,500 shall be immediately available for the installation and repair of telephone lines.

The amendment was agreed to.

The next amendment was, on page 120, line 4, after the word "improvement," to strike out "\$20,000" and insert "\$40,000," so as to make the clause read:

Rocky Mountain National Park, Colo.: For administration, protection, maintenance, and improvement, \$40,000.

The amendment was agreed to.

The next amendment was, on page 120, line 25, after the word "keepers," to strike out "\$260,000" and insert "\$380,000," so as to make the clause read:

Yellowstone National Park, Wyo.: For administration, protection, maintenance, and improvement, including not to exceed \$8,400 for maintenance of the road in the forest reserve leading out of the park from the east boundary, not to exceed \$7,500 for maintenance of the road in the forest reserve leading out of the park from the south boundary, not to exceed \$7,600 for the purchase, operation, maintenance, and repair of motor-propelled passenger-carrying vehicles, and including feed for buffalo and other animals and salaries of buffalo keepers, \$380,000, to be expended by and under the direction of the Secretary of the Interior: *Provided*, That not exceeding \$2,000 may be expended for the removal of snow from any of the roads for the purpose of opening them in advance of the tourist season.

The amendment was agreed to.

The next amendment was, on page 121, line 10, after the word "work," to strike out "\$275,000" and insert "\$318,000," so as to make the clause read:

Yosemite National Park, Calif.: For administration, protection, maintenance, and improvement, including not exceeding \$1,800 for purchase, maintenance, operation, and repair of horse-drawn and motor-driven passenger-carrying vehicles for use of the superintendent and employees in connection with general park work, \$318,000.

The amendment was agreed to.

The next amendment was, on page 121, line 12, after the word "improvement," to strike out "\$2,500" and insert "\$7,300," so as to make the clause read:

Zion National Park, Utah: For administration, protection, maintenance, and improvement, \$7,300.

The amendment was agreed to.

The next amendment was, under the subhead "Howard University," on page 123, after line 20, to insert:

For home economics building, to include dining hall and kitchen, \$85,000.

The amendment was agreed to.

The next amendment was, on page 124, line 7, after the words "In all," to strike out "\$158,000" and insert "\$243,000," so as to make the clause read:

In all, \$243,000.

The amendment was agreed to.

The next amendment was, under the head of "Department of Justice," subhead "Miscellaneous objects, Department of Justice," on page 127, line 10, after the word "notwithstanding," to insert "*Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation, the Attorney General is authorized to appoint officials who shall be designated 'special agents of the Department of Justice,' and

who shall be vested with the authority necessary for the execution of such duties," so as to make the clause read:

Detection and prosecution of crimes: For the detection and prosecution of crimes against the United States; the investigation of the official acts, records, and accounts of marshals, attorneys, clerks, referees, and trustees of the United States courts and the Territorial courts, and United States commissioners, for which purpose all the official papers, records, and dockets of said officers, without exception, shall be examined by the agents of the Attorney General at any time; for the protection of the person of the President of the United States; for such other investigations regarding official matters under the control of the Department of Justice or the Department of State as may be directed by the Attorney General; hire of motor-propelled or horse-drawn passenger-carrying vehicles when necessary; per diem in lieu of subsistence when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, including not to exceed \$200,000 for necessary employees at the seat of government, and including a director of the bureau of investigation at not exceeding \$7,500 per annum, to be expended under the direction of the Attorney General, \$2,000,000: *Provided*, That this appropriation shall be available for advances to be made by the disbursing clerk of the Department of Justice when authorized and approved by the Attorney General, the provisions of section 3648 of the Revised Statutes to the contrary notwithstanding: *Provided further*, That for the purpose of executing the duties for which provision is made by this appropriation, the Attorney General is authorized to appoint officials who shall be designated "special agents of the Department of Justice," and who shall be vested with the authority necessary for the execution of such duties.

The amendment was agreed to.

The next amendment was, on page 127, after line 16, to insert:

Enforcement of national prohibition act: For the enforcement of the provisions of the national prohibition act of October 28, 1919, including the employment, as authorized by said act, of such assistants, experts, clerks, and other employees in the District of Columbia or elsewhere and the purchase of such supplies and equipment as may be deemed necessary by the Attorney General, including also the expense of necessary printing and binding, \$300,000.

The amendment was agreed to.

The next amendment was, under the head of "United States courts," on page 131, line 5, after the words "District of Columbia," to strike out "\$2,061,000" and insert "\$2,286,000," so as to read:

For salaries, fees, and expenses of United States marshals and their deputies, including the office expenses of United States marshals in the district of Alaska, services rendered in behalf of the United States or otherwise, services in Alaska and Oklahoma in collecting evidence for the United States when so specially directed by the Attorney General, and maintenance, alteration, repair, and operation of horse-drawn and motor-driven passenger-carrying vehicles used in connection with the transaction of the official business of the office of United States marshal for the District of Columbia, \$2,286,000.

The amendment was agreed to.

The next amendment was, on page 133, line 3, after "1919," to strike out "\$990,000" and insert "\$1,040,000"; and, in the same line, after "\$1,040,000," to strike out "*Provided*, That the provisions of the act entitled 'An act to fix the salaries of the clerks of the United States district courts and to provide for their office expenses, and for other purposes,' approved February 26, 1919, shall be applicable on and after July 1, 1920, to the clerk of the Supreme Court of the District of Columbia, excepting that said clerk shall be appointed as heretofore by the chief justice of said court," so as to read:

For salaries of clerks of United States district courts, their deputies, and other assistants, expenses of travel and subsistence, and other expenses of conducting their respective offices, in accordance with the provisions of the act approved February 26, 1919, \$1,040,000.

The amendment was agreed to.

The next amendment was, on page 133, line 11, after the word "clerk," to strike out "\$6,000" and insert "\$18,000," so as to read:

For fees of clerks, \$18,000.

The amendment was agreed to.

The next amendment was, under the subhead "Coast and Geodetic Survey," on page 147, after line 6, to strike out:

Salaries: Director, \$6,000: *Provided*, That the title of "superintendent" of the United States Coast and Geodetic Survey is hereby changed to "director," but this change shall not affect the status of the present incumbent or require his reappointment; hydrographic and geodetic engineers, junior hydrographic and geodetic engineers, and aids, to be employed in the field or office, as the director may order, one of whom may be designated by the Secretary of Commerce to act as assistant director; hydrographic and geodetic engineers—1, \$4,500; 1, \$4,000; 1, \$3,500; 2 at \$3,200 each; 4 at \$3,000 each; 4 at \$2,800 each; 5 at \$2,500 each; 12 at \$2,400 each; 12 at \$2,200 each; 14 at \$2,000 each; junior hydrographic and geodetic engineers—16 at \$1,800 each, 14 at \$1,600 each, 12 at \$1,400 each, 13 at \$1,200 each; aids—10 at \$1,100 each, 19 at \$1,000 each; in all, \$256,900.

The amendment was agreed to.

The next amendment was, on page 147, after line 22, to insert:

Pay, commissioned officers: For pay and allowances prescribed by law for commissioned officers on sea duty and other duty, holding relative rank with officers of the Navy, including 1 director with rank of captain, 2 hydrographic and geodetic engineers with relative rank of captain, 7 hydrographic and geodetic engineers with relative rank of commander, 9 hydrographic and geodetic engineers with relative rank of lieutenant commander, 38 hydrographic and geodetic engineers

with relative rank of lieutenant, 55 junior hydrographic and geodetic engineers with relative rank of lieutenant (junior grade), 29 aids with relative rank of ensign, and including officers retired in accordance with existing law, \$525,326: *Provided*, That the title of "superintendent" of the United States Coast and Geodetic Survey is hereby changed to "director," but this change shall not affect the status of the present incumbent or require his reappointment: *Provided further*, That the Secretary of Commerce may designate one of the hydrographic and geodetic engineers to act as assistant director.

The amendment was agreed to.

The next amendment was, on page 148, line 17, after the word "agent," to strike out "\$2,500" and insert "\$3,300; chief clerk, \$2,000," so as to read:

Office force: Disbursing agent, \$3,300; chief clerk, \$2,000; chief of section of library and archives, \$1,800; clerk to director, \$1,800; chief of printing and sales, \$2,000; clerks—3 at \$1,800 each, 3 at \$1,650 each, 4 at \$1,400 each, 11 at \$1,200 each, 15 at \$1,000 each, 6 at \$900 each.

The amendment was agreed to.

The next amendment was, on page 150, line 4, after the words "office force," to strike out "\$307,770" and insert "\$310,570," so as to read:

In all, pay of office force, \$310,570.

The amendment was agreed to.

The next amendment was, under the subhead "Bureau of Standards," on page 164, after line 10, to insert:

The Bureau of Standards is hereby authorized and directed to make an investigation as to the comparative cost and quality of gas furnished the Government and private consumers in the District of Columbia and report the result of said investigation to Congress on or before the first Monday in December, 1920.

The amendment was agreed to.

The next amendment was, under the head of "Department of Labor," subhead "Immigration stations," on page 165, after line 6, to insert:

Philadelphia, Pa.: The unexpended balance in the appropriation for the construction of an immigration station for the port of Philadelphia, Pa., is hereby made available for the remodeling of the detention house and administration building at said station, under the direction of the Secretary of Labor.

The amendment was agreed to.

The next amendment was, under the subhead "Immigration Service," on page 167, after line 3, to insert:

Nothing in the proviso contained in the legislative, executive, and judicial appropriation act of March 3, 1917, relative to augmenting salaries of Government officials from outside sources shall prevent receiving reimbursements for services of immigration officials incident to the inspection of aliens in foreign contiguous territory, and such reimbursement shall be credited to the appropriation, "Expenses of regulating immigration."

The amendment was agreed to.

The next amendment was, on page 167, after line 11, to insert:

The limitation specified in the act approved August 1, 1914 (38 Stat., p. 666), upon the compensation of the Commissioner of Immigration at the port of New Orleans, La., is hereby removed.

The amendment was agreed to.

The next amendment was, under the subhead "United States Housing Corporation," on page 170, line 17, after the word "others," to strike out "\$50,000" and insert "\$89,425," so as to read:

Salaries: For officers, clerks, and other employees in the District of Columbia necessary to collect and account for the receipts from the sale of properties of the United States Housing Corporation, the Bureau of Industrial Housing and Transportation, property commandeered by the United States through the Department of Labor, and to collect the amounts advanced to transportation facilities and others, \$89,425: *Provided*, That no person shall be employed hereunder at a rate of compensation exceeding \$5,000 per annum and only one person may be employed at that rate.

The amendment was agreed to.

The next amendment was, on page 171, line 5, after the word "facilities," to strike out "\$10,000" and insert "\$15,000," so as to read:

Appraisal: For the cost of appraisal under contract loans made to expedite transportation facilities, \$15,000.

The amendment was agreed to.

The next amendment was, on page 171, line 9, after "1919," to strike out "\$25,000" and insert "\$59,100," so as to read:

Collections: For the collection of money due from the sale of real estate under the provision of the act approved July 12, 1919, \$59,100.

The amendment was agreed to.

The next amendment was, on page 171, after line 9, to insert:

For rent of office quarters in the District of Columbia, \$9,000.

The amendment was agreed to.

The next amendment was, on page 171, line 23, after the words "In all," to strike out "\$1,065,000" and insert "\$1,152,525," so as to read:

In all, \$1,152,525: *Provided*, That no part of the appropriations heretofore made and available for expenditure by the United States Housing Corporation shall be expended for the purposes for which appropriations are made herein.

The amendment was agreed to.



The next amendment was, on page 172, after line 2, to insert:

WOMEN IN INDUSTRY.

To enable the Secretary of Labor to continue the investigation touching women in industry, including personal services in the District of Columbia and in the field, \$75,000.

The amendment was agreed to.

The next amendment was, on page 172, after line 6, to insert:

EMPLOYMENT SERVICE.

To perfect an organization that can adequately mobilize and direct the workers required to harvest the wheat crop in Oklahoma, Nebraska, Kansas, and the Dakotas, \$15,000.

Mr. ROBINSON. Mr. President, I desire to offer an amendment in the nature of a substitute for the committee amendment. On page 172, in lieu of the committee amendment in lines 7 to 10, inclusive, I move to insert the following:

To enable the Secretary of Labor to foster, promote, to develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices in the several States and political subdivisions thereof, and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, supplies and equipment, telegraph and telephone service, and printing and binding, \$400,000: *Provided*, That the sum of \$15,000, or so much thereof as may be necessary, shall be expended to perfect an organization that can adequately mobilize and direct the workers required to harvest the wheat crop in Oklahoma, Nebraska, Kansas, and the Dakotas.

Mr. President, the Committee on Appropriations has made no provision in this bill for the Employment Service except that embraced in the amendment for which my amendment is offered as a substitute. The provision reported by the committee creates a fund of \$15,000, and limits its application to the organization and mobilization of a force to harvest the wheat crop in five States.

I believe that conditions throughout the country respecting employment, production, and manufacture justify and make necessary some provision for the Employment Service. A large number of Senators are interested in this provision, and have asked me to notify them in the event the controversy should be reached. Unless the chairman of the committee feels justified in accepting the amendment, I shall suggest the absence of a quorum in order to give those Senators the opportunity to be present during the discussion before presenting fully my views regarding the amendment.

This whole matter was very fully discussed more than once last year. The Senate at that time indicated its opposition to the abolishment of the Employment Service by an overwhelming vote, practically a unanimous vote. Unless, therefore, the Senator feels himself in a position to indicate his acquiescence in this amendment, in order that Senators who have expressed a desire to be present and participate in the discussion may have an opportunity, I shall be compelled to suggest the absence of a quorum; and I will do that before continuing my remarks on the amendment, in order that Senators who may come in hereafter may have an opportunity of hearing the discussion.

Mr. CURTIS. Mr. President—

Mr. ROBINSON. I yield to the Senator from Kansas.

Mr. CURTIS. I hope the Senator will not insist on offering the amendment as a substitute for the amendment referred to, because that amendment was offered at the request of the department, and was requested as an addition to the amount recommended by the House committee.

I think I may say, without any breach of the rules, that in the committee I urged the inclusion in the bill of the amendment which I suppose the Senator has offered. I have been out on a conference committee, and do not know just what has been offered.

Mr. WARREN. Mr. President, may I interrupt the Senator? The Senator was in favor of an amendment on the subject, as was the chairman of the committee, but not as presented.

Mr. CURTIS. I do not know what the Senator has presented, but I was in favor of a provision in the bill to maintain this farm labor organization; but the amendment I offered was offered in addition to the general one in order to help in the five States referred to, the conditions there being such that the department said this separate amount would be required and sent up an estimate for it.

Mr. ROBINSON. Mr. President, the amendment which I have offered does not prejudice the proposition of the Senator from Kansas; for, in fact, it embraces the amendment of the Senator from Kansas. My amendment goes much further and is much more comprehensive than the provision which the Senator from Kansas, I understand, is responsible for, and

which is the provision for which I have offered my amendment as a substitute.

Mr. CURTIS. May I ask the Senator the amount carried in his amendment?

Mr. ROBINSON. The amount carried in my amendment is \$400,000, the amount which was appropriated last year.

Mr. WARREN. Mr. President, will the Senator yield to me for a moment?

Mr. ROBINSON. I yield.

Mr. WARREN. The Senator suggests the acceptance of the amendment. Of course the chairman of the committee has not the slightest objection to having the roll called and having a full attendance of the Senate, but I think it would be well if the Senator would let us pass over that amendment and take it up when we finish the reading of the bill.

Mr. ROBINSON. I have no objection to doing that. I think that would be a very good course to pursue.

Mr. WARREN. In the meantime perhaps I shall have an opportunity to discuss the matter with the Senator. I do not believe the committee has a disposition to oppress unduly any branch of the Government; but, of course, conditions change a little from year to year. I think, whatever is done in this respect, we ought to give it a little consideration.

Mr. ROBINSON. In view of the suggestion of the Senator from Wyoming and the possibility that an informal agreement may be reached which will hasten the conclusion of the consideration of this bill and the disposition of this matter, I have no objection whatever to passing over this amendment to a future time.

Mr. CURTIS. Mr. President, I have no objection to passing it over, but I wanted to make this statement, because I shall probably be absent on a conference and shall not be able to attend the session this afternoon.

Personally, I hope the chairman of the committee and the Senator from Arkansas may reach an agreement, and if they can not, I am in favor of the amendment offered by the Senator from Arkansas. I want to make that statement for fear I shall not be here when the vote is taken.

The VICE PRESIDENT. The amendment will be passed over. The Secretary will continue the reading of the bill.

The reading of the bill was resumed.

The next amendment of the Committee on Appropriations was, on page 172, after line 10, to insert:

Department of State: Not exceeding \$50,000 of the unexpended balance of the appropriation for the War Trade Board for the fiscal year 1920 is made available for the fiscal year 1921 for expenditure under the direction of the Secretary of State.

The amendment was agreed to.

The next amendment was, under the head of "Legislative," on page 173, after line 2, to insert:

Capitol police: For purchasing and supplying uniforms to Capitol police, \$8,000, one-half to be disbursed by the Secretary of the Senate, and one-half by the Clerk of the House of Representatives.

The amendment was agreed to.

The next amendment was, on page 173, after line 18, to insert:

Senate, contingent expenses: For repairs, improvements, equipment, and supplies for Senate kitchens and restaurants, Capitol Building and Senate Office Building, including personal and other services, to be expended from the contingent fund of the Senate, under the supervision of the Committee on Rules, United States Senate, \$41,000.

The amendment was agreed to.

The next amendment was, at the top of page 174, to insert:

For expenses of inquiries and investigations ordered by the Senate, including compensation to stenographers to committees, at such rate as may be fixed by the Committee to Audit and Control the Contingent Expenses of the Senate, but not exceeding \$1.25 per printed page, \$100,000.

The amendment was agreed to.

The next amendment was, on page 174, after line 5, to insert:

For the Capitol: For continuing the work of restoring the decoration on the walls of the first-floor corridors in the Senate wing of the Capitol, to be expended under the direction of the Superintendent of the Capitol Building and Grounds, \$5,000.

The amendment was agreed to.

The next amendment was, on page 174, after line 10, to insert:

Senate Office Building: For maintenance, miscellaneous items, and supplies, and for all necessary personal and other services for the care and operation of the Senate Office Building, under the direction and supervision of the Senate Committee on Rules, \$65,000.

The amendment was agreed to.

The next amendment was, on page 174, after line 15, to insert:

For furniture for the Senate Office Building and for labor and material incident thereto and repairs thereof, window shades, awnings, carpets, glass for windows and bookcases, desk lamps, window ventilators, name plates for doors and committee tables, electric fans, and so forth, \$7,500.

The amendment was agreed to.

The next amendment was, in section 3, on page 191, line 5, after the word "buildings," to insert "in the District of Columbia," so as to make the section read:

SEC. 3. That hereafter it shall be the duty of the head of each department and independent establishment of the Government to submit to Congress annually in the Book of Estimates, a statement giving for each of the Government-owned buildings in the District of Columbia under their respective jurisdiction the following information for the preceding fiscal year: The location and valuation of each building, the purpose or purposes for which used, and the cost of care, maintenance, upkeep, and operation thereof per square foot of floor space.

The amendment was agreed to.

The next amendment was, on page 191, after line 10, to insert:

SEC. 4. Any journal, magazine, periodical, or similar publication which is now being issued by a department or establishment of the Government may, in the discretion of the head thereof, be continued, within the limitation of available appropriations or other Government funds, until June 30, 1921, when, if it shall not have been specifically authorized by Congress before that date, such journal, magazine, periodical, or similar publication shall be discontinued; hereafter no other journal, magazine, periodical, or similar publication shall be issued in any form by any department or establishment of the Government without specific authority therefor from Congress; all such journals, magazines, periodicals, and similar publications shall be devoted exclusively to the work which the department or establishment issuing the same is required by law to do and shall not contain any commercial advertisements.

The amendment was agreed to.

The next amendment was, on page 192, after line 2, to insert:

SEC. 5. Paragraphs (a), (b), and (c) of section 210 of the transportation act of 1920 approved February 28, 1920, are hereby amended so as to read as follows:

"SEC. 210. (a) For the purpose of enabling carriers by railroad subject to the interstate-commerce act properly to serve the public during the transition period immediately following the termination of Federal control, any such carrier may, at any time after the passage of this act, and before the expiration of two years after the termination of Federal control make application to the commission for a loan from the United States to meet its maturing indebtedness, or to provide itself with equipment or other additions and betterments, setting forth the amount of the loan; the term for which it is desired; the purpose of the loan and the use to which it will be applied; the present and prospective ability of the applicant to repay the loan and meet the requirements of its obligations in that regard; the character and value of the security offered; and the extent to which the public convenience and necessity will be served. The application shall be accompanied by statements showing such facts in detail as the commission may require with respect to the physical situation, ownership, capitalization, indebtedness, contract obligations, operation, and earning power of the applicant, together with such other facts relating to the propriety and expediency of granting the loan applied for, and the ability of the applicant to make good the obligation as the commission may deem pertinent to the inquiry.

"(b) If the commission, after such hearing and investigation, with or without notice, as it may direct, finds that the making, in whole or in part, of the proposed loan by the United States, for one or more of the aforesaid purposes, is necessary to enable the applicant properly to meet the transportation needs of the public, and that the prospective earning power of the applicant and the character and value of the security offered are such as to furnish reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor, and to meet its other obligations in connection with such loan the commission shall certify to the Secretary of the Treasury its findings of such facts; also the amount of the loan which is to be made; the time, not exceeding 15 years from the making thereof, within which it is to be repaid; the terms and conditions of the loan, including the security to be given for repayment; that the prospective earning power of the applicant, together with the character and value of the security offered, furnish, in the opinion of the commission, reasonable assurance of the applicant's ability to repay the loan within the time fixed therefor and reasonable protection to the United States; and that the applicant, in the opinion of the commission, is unable to provide itself with the funds necessary for the aforesaid purposes from other sources.

"(c) Upon receipt of such certificate from the commission the Secretary of the Treasury shall immediately, or as soon as practicable, make a loan of the amount recommended in such certificate out of any funds in the revolving fund provided for in this section and accept the security prescribed therefor by the commission. All such loans shall bear interest at the rate of 6 per cent per annum, payable semiannually, to the Secretary of the Treasury, and to be placed to the credit of said revolving fund. The term of obligation to be entered into shall be prescribed by the Secretary of the Treasury, but the time, not exceeding 15 years from the making thereof, within which such loan is to be repaid, the security which is to be taken therefor, and the terms and the conditions of the loan shall be in accordance with the findings and the certificate of the commission."

Mr. LENROOT. I would like to make an inquiry concerning this section, as to whether there is any change in existing law other than extending the time from 5 years to 15 years for the repayment of these loans?

Mr. SMOOT. I will say to the Senator that it is an exact copy of the bill which was reported from the Committee on Commerce by the Senator from Minnesota [Mr. NELSON] in behalf of the Senator from Iowa [Mr. CUMMINS], and I understand that it changes existing law by extending the time from 5 years to 15 years.

Mr. LENROOT. But the Senator understands there is no other change?

Mr. SMOOT. That is all, I understand.

Mr. LENROOT. I ask that it be passed over until I can have an opportunity to look it up.

Mr. WARREN. I think that is all it amounts to. I understand it was passed on by the committees both of the House

and the Senate, and we only propose to carry out what is the desire and what seemed to us to be right.

Mr. LENROOT. I have no question about it, but I would like to have a chance to look it over.

Mr. WARREN. Very well.

The VICE PRESIDENT. The amendment will be passed over.

The next amendment was, on page 194, after line 19, to insert:

SEC. 6. The heads of the several executive departments and other governmental establishments in the District of Columbia are hereby authorized and directed to furnish to such civilian employees under their respective jurisdiction as have come to the District of Columbia since April 6, 1917, whose services are no longer required and whose employment may be terminated by the Government without delinquency or misconduct on their part, or who may resign from their positions, from the day of the passage of this act to July 1, 1920, inclusive, a railroad ticket only from the District of Columbia to the place from which they accepted employment or to their legal residence, as the employee may elect. Such transportation must be applied for within 10 days after the termination of service and shall be used within 5 days after issuance unless an extension of time on account of illness be granted by the proper authority. Any person who shall sell, exchange, or transfer such transportation for the use of another, or any person who shall unlawfully receive or accept such transportation, shall be punished by a fine of not more than \$100. The expenses authorized by this act shall be paid from the appropriations for the support of the services in which such persons are employed.

The amendment was agreed to.

The next amendment was, on page 195, after line 17, to insert:

SEC. 7. Hereafter no department or other Government establishment shall dispose of any typewriting machines by sale, exchange, or as part payment for another typewriter that has been used less than three years.

The amendment was agreed to.

The next amendment was, on page 195, after line 21, to strike out:

#### NATIONAL BUDGET SYSTEM.

SEC. 4. PAR. 1. That (a) there is created in the office of the President a bureau of the budget. There shall be in the bureau a director and an assistant director, who shall be appointed by the President and receive salaries of \$10,000 and \$7,500 a year, respectively. The assistant director shall perform such duties as the director may designate, and during the absence or incapacity of the director or during a vacancy in the office of director he shall act as director.

(b) The director, with the approval of the President, shall appoint and fix the compensation of such employees and make such expenditures for rent, printing, telegrams, telephone, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office as may from time to time be provided for by Congress. All employees in the bureau whose compensation is less than \$5,000 a year shall be appointed from lists of eligibles furnished by the Civil Service Commission and in accordance with the civil-service laws and regulations: *Provided, however*, That honorably discharged soldiers, sailors, and marines shall be given a preference in the making of appointments.

(c) No person, appointed by the director shall be paid a salary in excess of \$5,000 a year, and not more than three persons appointed by him shall be paid a salary at that rate.

PAR. 2. (A) The bureau of the budget shall assist the President in the performance of the powers conferred upon him by this act. The bureau shall also make a careful investigation of all provisions of law dealing in any way with the preparation and transmission to Congress of estimates, and the preparation and submission to Congress of financial data of any character, in order to determine what changes should be made in such provisions of law to the end that all requirements in respect to the reporting to Congress of financial data and estimates shall be brought together in one place, coordinated, revised, and brought into harmony with the alternative budget which the President is by paragraph 6 required to submit to Congress. The results of such investigation shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports, or any part thereof, with such recommendations regarding the action which in his opinion should be taken upon the matters covered by such reports.

(b) All departments, bureaus, boards, commissions, offices, agencies, or other establishments of the Government, except the legislative branch and the Supreme Court, shall furnish to the President such information regarding the powers, duties, activities, organizations, financial transactions, and methods of business of their respective offices as he may from time to time require of them, and the director of the bureau of the budget, or any of his assistants or employees, when duly authorized by the President, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, bureau, board, commission, office, agency, or other establishment.

PAR. 3. On a date to be fixed by the President the heads of the several executive departments and all other officers, now or hereafter required or authorized to make estimates for the public service, shall annually submit their estimates to the President instead of to the Secretary of the Treasury, and at the same time the Secretary of the Treasury shall submit to the President his estimates of the needs of his department, and for the permanent appropriations not otherwise estimated for, and such estimates of the public revenues and the condition of the Treasury as the President may direct.

PAR. 4. The President shall transmit to Congress on the first day of each regular session a document to be known as the budget, which document shall contain balanced statements of the revenues and expenditures of the Government for the preceding fiscal year and of the resources and liabilities of the Treasury at the close of the year, his estimates of the revenues and expenditures of the Government for the current fiscal year and of the resources and liabilities of the Treasury at the close of the year, his estimates of the revenue and expenditure needs of the Government for the ensuing fiscal year, and how, in his opinion, these needs should be met. The estimates of expenditures for the legislative branch of the Government and the Supreme Court shall



be those submitted to the President. The President shall transmit with such budget such further data regarding the financial affairs of the Government and such recommendations in relation thereto as he deems proper.

PAR. 5. Except as otherwise provided in this act, the statutes governing the contents, order, and arrangement of the estimates of appropriations and receipts, and the notes and other data submitted therewith, shall apply to the estimates submitted to the President under paragraph 3, and to the estimates for the expenditure needs of the Government when transmitted by the President under paragraph 4.

PAR. 6. The President, in addition to the budget herein required to be transmitted, shall transmit at the same time and for the service of the fiscal year ending June 30, 1922, only, an alternative budget prepared in such form and according to such system of classification and itemization as is, in his opinion, most appropriate, with such explanatory notes and tables as may be necessary to show where, in such budget, the various items embraced in the budget provided for in paragraph 4 are contained. The alternative budget shall also make known the essential facts regarding the condition of the Treasury, revenues, and expenditures, appropriations, and what, in the opinion of the President, are the revenue and expenditure needs of the Government for the ensuing fiscal year, and how these needs should be met.

PAR. 7. After June 30, 1920, no estimate or request for any appropriation, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress by any officer of the executive branch of the Government except the President, unless at the request of either House of Congress.

PAR. 8. After June 30, 1920, special and additional estimates may be transmitted by the President to provide (a) for expenditures under any laws passed since the transmission of the regular estimates contained in the budget and (b) for appropriations which, in his judgment, are necessary for the public service, and he shall accompany such estimates with a statement of the reasons therefor.

PAR. 9. There is created a department to be known as the accounting department, which shall be an establishment of the Government independent of the executive departments and under the control and direction of the comptroller general of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1920. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the accounting department at their grades and salaries on July 1, 1920, and all books, records, documents, papers, furniture, office equipment, and other property of the office of the Comptroller of the Treasury shall become the property of the accounting department.

There shall be in the accounting department a comptroller general of the United States and an assistant comptroller general of the United States, who shall be appointed by the President, with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The assistant comptroller general shall perform such duties as may be assigned to him by the comptroller general, and during the absence or incapacity of the comptroller general, or during a vacancy in that office, shall act as comptroller general. The comptroller general and the assistant comptroller general shall hold office during good behavior, but may be removed at any time by concurrent resolution of Congress after notice and hearing, when, in their judgment, the comptroller general or assistant comptroller general has been inefficient, or guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner except by impeachment.

Any comptroller general or assistant comptroller general removed in the manner herein provided shall be ineligible for reappointment to that office.

When a Comptroller General or Assistant Comptroller General attains the age of 70 years, he shall be retired from his office.

\*The provisions of this act relating to the Accounting Department shall be effective on July 1, 1920.

PAR. 10. All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or upon the Auditor for the Treasury Department, the Auditor for the War Department, the Auditor for the Interior Department, the Auditor for the Navy Department, the Auditor for the State and Other Departments, or the Auditor for the Post Office Department shall, so far as not inconsistent with this act, be vested in and imposed upon the Accounting Department and be exercised without direction from any other officer, and the balances certified by the Comptroller General shall be final and conclusive upon the executive branch of the Government. The revision by the Comptroller General of settlements made by the six auditors referred to in this paragraph shall be discontinued, except as to settlements made before July 1, 1920.

Section 236 of the Revised Statutes is hereby amended to read as follows:

"SEC. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the Accounting Department."

PAR. 11. The offices of the six auditors enumerated in paragraph 10 shall be abolished, to take effect July 1, 1920, but the then incumbents of those offices shall be transferred, at their present salaries, to become officers of the Accounting Department. All other officers and employees of these offices shall become officers and employees in the Accounting Department at their grades and salaries on July 1, 1920. All books, records, documents, papers, furniture, office equipment, and other property of these offices shall become the property of the Accounting Department. The Accounting Department shall occupy the rooms now occupied by the Office of the Comptroller of the Treasury and the six auditors referred to in paragraph 10 until otherwise provided.

PAR. 12. The Comptroller General shall appoint, remove, and fix the compensation of such officers and employees in the department as may from time to time be provided for by Congress, and perform all other duties of a head of an independent Government establishment. All such appointments, except to positions carrying a salary of \$5,000 a year, shall be made from lists of eligibles furnished by the Civil Service Commission, and in accordance with the civil service laws and regulations: *Provided, however*, That honorably discharged soldiers, sailors, and marines shall be given a preference in the making of appointments. No person appointed by the Comptroller General shall be paid a salary in excess of \$5,000 a year, and not more than three persons appointed by him shall be paid a salary at that rate. Until March 5, 1921, no person who at the time of the passage of this act holds office as one of the six auditors referred to in paragraph 10, and who in pursuance of paragraph 11 is transferred to the Accounting Department, shall be

removed from office or have his compensation reduced, except for cause. All officers and employees of the department, whether transferred to the department in pursuance of paragraph 11 or appointed by the Comptroller General, shall perform such duties as may be assigned to them by the Comptroller General. The Comptroller General shall make such rules and regulations as may be necessary for carrying on the work of the department.

PAR. 13. The Comptroller General shall investigate, at the seat of government or elsewhere, all matters relating to the receipts and disbursement of public funds, and shall make to Congress, at the beginning of each regular session, a report in writing of the work of the Accounting Department, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures. He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The Comptroller General shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as the committee may request. The Comptroller General shall specially report to the Congress every expenditure or contract made by any head of a department in any year in excess of the appropriation to such department and in violation of law.

All departments, bureaus, boards, commissions, offices, agencies, or other establishments of the Government, except the legislative branch and the Supreme Court, shall furnish to the Comptroller General such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the Comptroller General, or any of his assistants or employees when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department, bureau, board, commission, office, agency, or other establishment. The authority contained in this paragraph shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes of the United States.

PAR. 14. The Civil Service Commission shall establish an eligible register for accountants for the Accounting Department, and the examinations of applicants for entrance upon such register shall be based upon questions approved by the Comptroller General.

The amendment was agreed to.

The VICE PRESIDENT. The reading of the bill has been completed. Are there any further committee amendments?

Mr. WARREN. The committee has one or two amendments. On page 120, line 4, I move to insert the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 120, line 4, after the word "improvement," insert the following:

Including not exceeding \$2,500 for the purchase, maintenance, operation, and repair of a motor-driven passenger-carrying vehicle for the use of the superintendent and employees in connection with general park work.

So as to make the paragraph read:

Rocky Mountain National Park, Colo.: For administration, protection, maintenance, and improvement, including not exceeding \$2,500 for the purchase, maintenance, operation, and repair of a motor-driven passenger-carrying vehicle for use of the superintendent and employees in connection with general park work, \$40,000.

The amendment was agreed to.

Mr. ROBINSON. There was one amendment laid over in order that the chairman of the committee and I might have an opportunity of conferring regarding it. We have not had that opportunity yet, and there are some amendments which I desire to offer to the bill relative to other subjects. I suppose we might proceed now to the consideration of other amendments, leaving that committee amendment for future consideration.

Mr. WARREN. Possibly some of those amendments might affect those laid over.

Mr. ROBINSON. The amendments I desire to offer relate to the appropriation respecting the Panama Canal, and I do not think any matter has been laid over concerning that subject.

Mr. WARREN. No.

Mr. ROBINSON. On page 188, line 5, I move to strike out "\$7,531,851" and to insert in lieu thereof "\$9,094,141."

Mr. President, this amendment relates to the provisions in the bill for the maintenance and operation of the Panama Canal. The estimate submitted was for \$15,601,407, and it embraced a large number of new projects, which the governor of the Canal Zone and others charged with responsibility in connection with the maintenance and operation of the canal thought were essential for the proper conduct of the affairs of the canal.

The amendment which I offer eliminates all new projects except two. The first of those projects is a filtration plant at Gatun, and the second is for the construction of an oil crib and lines. The first new project, the filtration plant, it is estimated, will cost \$1,074,290. The second project, it is estimated, will cost \$488,000, making a total of \$1,562,290, which my amendment, if agreed to, would add to the item for maintenance and operation of the canal.

It is to be observed that this eliminates items for new projects estimated for aggregating approximately six and a half million dollars.

Mr. WARREN. Mr. President, let me say to the Senator that the matter he speaks of was considered by the committee, and I understand perfectly what the Senator alludes to. The House thought that possibly it could go over for a year; in fact, they insisted on putting in the smaller figures. The Senate committee felt justified in accepting the figures from the House for the present year; but if the Senator from Arkansas thinks the amendment should go in, I shall not object to it. I am willing that it shall go in, and we shall do the best we can with it in conference.

Mr. ROBINSON. I thank the Senator. I feel sure that it should go in. In view of the statement of the Senator from Wyoming, I do not want to take the further time of the Senate in discussing this item, except to say that the existing filtration plant there is totally inadequate to meet the requirements of a military post and other public uses which have been laid upon the plant, and that, in my judgment, it is indispensable to the proper operation of the canal. I thank the Senator.

The amendment was agreed to.

Mr. ROBINSON. Mr. President, another amendment which I desire to suggest is in respect to sanitation. The appropriation carried in the bill for sanitation is \$850,000. The estimate was \$1,265,406. I desire to offer an amendment increasing the amount available for sanitation from \$850,000 to \$1,000,000, an increase of \$150,000.

I think the Senator from Wyoming is familiar with the facts which were fully set forth in the hearings respecting this amendment, and I hope that he will pursue the same course regarding it that he did with the amendment last agreed to.

Mr. SMOOT. I will say to the Senator from Arkansas that in the hearings upon this item of sanitation, quarantine, hospitals, and medical aid and support of the insane and of lepers, it was clearly developed that the estimate of \$1,265,406 was not necessary, and the department itself said they could get along with a million dollars.

Mr. ROBINSON. Yes.

Mr. SMOOT. But even in the statements made that there should be an increase from \$850,000 to \$1,000,000 it did not appear to the committee that it was a real necessity. It was for that reason that the committee agreed to the amount of \$850,000, as provided by the House.

If the Senator has any additional evidence that was not before the committee it would be well to present it; but it did not seem to me that the case was an urgent one, and as long as we were trying to keep appropriations down as much as possible the committee decided that \$850,000 was ample for the coming fiscal year.

Mr. ROBINSON. In addition to the testimony that was submitted to the committee, with which the Senator from Utah and the Senator from Wyoming are, of course, familiar, I wish to call attention to the statement made by the governor of the Canal Zone, who, in expressing the opinion that a million dollars will be adequate or scarcely adequate for the purpose, makes this statement:

The proposed appropriation of \$850,000 for sanitation gives nothing to cover increased cost of both subsistence and medical supplies or to cover increased salaries which have been essential to keep doctors and nurses at the Isthmus. Minimum amount with which the sanitation department can furnish hospital, medical, sanitary, and quarantine service is \$1,150,000, of which \$1,000,000 should be appropriated this year, and \$150,000 will be obtained through payment of its bills by the Republic of Panama.

In view of that statement, considered in connection with the evidence which was before the committee, I think that the amendment ought to be agreed to. It is not a very large item, speaking comparably, and it is for the maintenance of a service there that is not only indispensable but is remarkably efficient. I think that the sanitation service on the Canal Zone, and particularly that which relates to the hospital service, is the equal of any that is maintained anywhere in the world, if it is not the very best in the world. It has done a great deal toward bringing about satisfactory living conditions among the people who reside there and who are employed by the Government in the conduct of Government operations.

I hope the Senator from Utah will not oppose this small amendment.

Mr. SMOOT. All that the Senator says about the sanitation and the hospital regulations on the Panama Canal Zone is known by everyone who has visited the canal. Not only that, but I think it is acknowledged by every country in the world that it has been a remarkable accomplishment.

Another reason why the committee did not increase the amount from \$850,000 to a million dollars was that \$850,000 was the amount that was appropriated for the present fiscal year. The work has been carried on under the increased cost of everything for this year with the \$850,000. The time has arrived when we must not increase appropriations. The House thought, and also the Appropriations Committee of the Senate thought, that it was treating the government of the Panama Canal Zone just as well as it was possible to do to give them the same appropriation they had last year.

I acknowledge that they have done a wonderful work and the results have been remarkable, but it has been done on a less appropriation than \$850,000. Last year we did raise it to \$850,000 on account of the additional cost and expense that not only falls upon the Panama Canal but upon all the other agencies of the Government.

Really, I hope the Senator from Arkansas will not press this matter. I feel that if I were going to be favorable to increase of appropriations at all, it would be on just such items as this, and particularly upon the Panama Canal Zone; but I have been convinced beyond question of doubt that they can get along with \$850,000, and if they can do so we should not increase the amount.

Mr. ROBINSON. While the conclusion of the Senator from Utah differs from my own conclusion, the facts stated in his argument for the amendment, when analyzed, are even more persuasive than my own. The sole argument that he makes in justification of opposition to this increase is that the amount appropriated last year was \$850,000, and that he does not want to increase the appropriation.

If it had been the policy of the committee to limit all appropriations this year to the amount appropriated last year in making provision for the various departments of the Government, there would be force in his suggestion; but to pick out the most meritorious service and penalize it and make it sustain the increased cost of subsistence and materials while increasing appropriations for other less beneficial purposes, it seems to me is questionable, if not objectionable, policy.

Mr. WARREN. Mr. President—

Mr. ROBINSON. I yield to the Senator from Wyoming.

Mr. WARREN. We have in a great many cases cut amounts to less than last year, and our endeavor has been absolutely to cripple no industry, but to cut down to actual necessities in the most economical way in carrying on these various projects.

If the Senator thinks that a million dollars is necessary for this, and we are able in conference to convince the House that the amount should be made a million dollars, I have not the slightest objection to accepting it, so far as I am concerned. I do not wish the Senator to be cut off in his statement, because we may have to turn to the Record to the Senator's remarks; so if he has anything further to say on this subject, I do not wish to cut him off.

Mr. ROBINSON. I think I have stated fairly clearly the substance of the argument in favor of the amendment and I am ready for a vote upon it.

Mr. WARREN. I will accept the amendment on the part of the committee.

Mr. ROBINSON. I thank the chairman of the committee.

The amendment was agreed to.

Mr. ROBINSON. There are two other amendments that I wish to suggest to the chairman of the committee. I am sure he is familiar with the appropriation respecting the civil government of the Canal Zone. The estimate for that was \$1,265,406. The appropriation carried is \$900,000. The authorities responsible for the conduct of affairs of the civil government in the Canal Zone say that they need at least \$1,045,000, which is an increase of \$145,000 over the amount carried in the bill.

The governor of the Canal Zone, after being informed that the committee had retained the House item, makes this declaration respecting the amendment:

If reasonably satisfactory service is to be rendered, it is essential that the appropriation for civil government be increased to \$1,045,000 and appropriations for sanitation to \$1,000,000. The additional \$145,000 for civil government will permit the retention of present police force at salaries now received, based on pay of Washington police force; permit establishment of double-platoon system for firemen, as found necessary in Washington, and just as essential here, with compensation of force based on Washington compensation as authorized by Panama Canal act; permit increase in number of school-teachers, required for additional pupils next year, with increased pay following increases included in District bill. This amount, however, will require cutting out of all equipment and reducing to minimum all incidental expense items.

That is the only additional information I have with respect to that item, save what was submitted to the committee.

Mr. WARREN. I do not feel that I can accept that on the part of the committee.



Mr. ROBINSON. In view of the statement of the chairman of the committee and other statements by Senators about me, I withdraw the amendment.

I have one further amendment to offer. On page 188, after line 19, I move to strike out the period and insert a comma and the words "to be available until expended."

Mr. WARREN. Does the Senator wish to have that available until expended, or does he wish to have it immediately available?

Mr. ROBINSON. To be available until expended. This is an important amendment. The Senator from Wyoming well understands its effect.

Mr. WARREN. I have no objection to it.

The amendment was agreed to.

Mr. STERLING. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment proposed by the Senator from South Dakota will be stated.

The READING CLERK. Beginning with line 22, page 8, it is proposed to strike out down to and including line 9 on page 9, and to insert the following:

Foremen draftsmen, architectural draftsmen, and apprentice draftsmen, structural engineers and draftsmen; mechanical, sanitary, electrical, heating and ventilating, and illuminating engineers and draftsmen; computers and estimators, supervising superintendents, superintendents and junior superintendents of construction, and inspectors, not to exceed the sum of \$487,500; and the Secretary of the Treasury is hereby authorized to fix the compensation of the foregoing classes of employees at rates not in excess of the maximum rates paid in other executive departments or independent establishments of the Government for the same or similar character of service.

Mr. STERLING. Mr. President—

Mr. WARREN. Mr. President, I shall have to make a point of order against that amendment. It has not been estimated for. The matter which is involved has been very carefully considered by the committee.

Mr. STERLING. I do not believe the amendment is subject to the point of order.

Mr. WARREN. Certainly it is. It is a proposition to add an appropriation of a certain amount of money to the bill, for which there is no estimate. No committee has reported in favor of the amendment, and the amendment has not been introduced and sent to the committee a day previously to its introduction. The amendment is undoubtedly subject to a point of order on any one of several grounds.

Mr. STERLING. I will ask the Senator from Wyoming if he will not withhold the point of order until I may make a statement in order to explain the situation?

Mr. WARREN. Certainly; I will withhold the point of order in order to enable the Senator from South Dakota to make his explanation.

Mr. STERLING. Mr. President, it seems to me that this amendment is most just and is applicable to the bill. A reading of the bill will show that on its face the increase in the salaries of this particular class of employees should be greater than can be paid under the terms of the bill. As I read the first part of the bill pertaining to this class of employees it reminds me of the old-time salaries, in antebellum days, before increase of salaries had been granted to different classes of employees. The language in question, found in the bill, reads as follows:

Foremen draftsmen, architectural draftsmen, and apprentice draftsmen, at rates of pay from \$840 to \$2,500 per annum; structural engineers and draftsmen, at rates of pay from \$840 to \$2,500 per annum.

Men of that class, who it is required shall have the attainments which are necessary in order to do that kind of work, are put upon salaries ranging from \$840 to \$2,500 per annum. In view of the increase of salaries and compensation all along the line, it seems to me that these employees are unjustly treated by the terms of the pending bill.

Mr. President, I want to call attention to the result of the action of the committee in appropriating for salaries as provided in the bill. I read from a statement from the Office of the Supervising Architect:

First. The present technical force of the Supervising Architect's Office is composed of two sections or portions, namely: The regular force, known as the Office of the Supervising Architect, and a separate force, known as the hospital section.

The regular force, or Office of the Supervising Architect, technical men prepare plans, specifications, etc., for the usual run of Federal buildings, such as post offices, courthouses, etc., and are paid from appropriations covered by the sundry civil bill, which limits the salary of these technical men to a maximum of \$2,500 per annum.

In addition to this class of employees or this particular force there is what is known as "the hospital section."

The hospital section consists of technical men who specialize on preparing plans, specifications, etc., for hospitals or sanatoria for the United States Public Health Service, to accommodate the soldiers, sailors, marines, etc. This technical force is paid from moneys appro-

priated for the Public Health Service, and there is no such limitation as required in the Office of the Supervising Architect, nor is this force subject to civil-service requirements.

Here we have two offices under the same department, and practically in the same room, with two conditions governing the salaries, and yet the men do similar work.

The result, as a whole, is that—

Owing to the difficulty in obtaining technical men unless they are paid a salary equal to that paid outside the Government service, the hospital section, since legislation permits it, will be forced to pay the prevailing outside salaries for its men. Up to the time that the technical men in the Office of the Supervising Architect began to resign they were transferred from one section to the other as was necessary to expedite the more important projects; but the situation is fast drawing to a point where this will no longer be possible and as a result the Office of the Supervising Architect will practically be deserted, and justly so, thus destroying an organization it has taken years to perfect.

The regular force of the Office of the Supervising Architect has some of its technical men in the field, and in that capacity these men are classed as superintendents. The Congress, as expressed in the sundry civil bill, has considered it necessary and wise to increase the limit of compensation for this class of technical men, and justly so.

And they have increased that limit, Mr. President, by the terms of this bill, for it is provided that the supervising superintendents and junior superintendents of construction and inspectors shall receive rates of pay not from \$840 to \$2,500 per annum but from \$2,000 to \$3,500 per annum; these men who are designated as superintendents and who are in the field are to get these rates of pay, and yet we have this impossible condition: Many of the men who are in the field and who are classed as superintendents, junior superintendents, and so forth, are the men who have received their training and experience right here in Washington in the Office of the Supervising Architect; they are still a part of the technical force of that office; and yet Congress increases the limit of their compensation but fails to increase or to remove the limitations as to compensation now prevailing for the remainder of the same force in the same office.

Mr. President, the object of the amendment is simply to allow latitude to the Secretary of the Treasury to increase the pay of and to give just compensation to the men who are yet in the Office of the Supervising Architect—that is its entire purpose—and to put them on an equality with the superintendents and the junior superintendents who are in the field and who go from the office to the field. Their work is interchangeable, as it were, a part of it being in the office and a part of it being in the field. They come back here and are in the office, and while in the office it is apparent that their pay is to be from \$840 to \$2,500 per annum, while as superintendents or junior superintendents in the field they receive from \$2,000 to \$3,500 per annum. They are allowed that under the terms of the pending bill.

I think the inequality is one which ought to be adjusted. In doing so, we shall simply be doing what we should do in order to retain these competent men, these technical men, in their places. Otherwise the office will be demoralized and will be without a sufficient force.

Mr. WARREN. Mr. President, I am compelled to make the point of order against the amendment. It affects the subject of salaries and provides for a lump-sum appropriation for the entire department. It is not estimated for by the department, according to the estimates received by the committee. It changes existing law, and embraces the whole paragraph. In fact, it is subject to practically all the points of order. Therefore I make the point of order against the amendment.

Mr. STERLING. Mr. President, I should merely like to say that the question which the Senator from Wyoming has raised as to the appropriation affected being a lump-sum appropriation should be of no avail now. I have before me the lump-sum appropriations provided for the War Department and the Navy Department, which are as follows:

#### WAR DEPARTMENT.

Page 56, office of the Coast Guard.....	\$8,000
Page 83, office of the Chief of Ordnance.....	400,000
Page 88, office of the Chief of Engineers.....	50,400

#### NAVY DEPARTMENT.

Page 101, Bureau of Steam Engineering.....	184,000
Page 102, Bureau of Construction and Repair.....	275,000
Page 103, Bureau of Ordnance.....	70,000
Page 105, Bureau of Yards and Docks.....	200,000

And so forth.

Mr. WARREN. I make the point of order against the amendment, Mr. President, and I should like to have a ruling on it.

The VICE PRESIDENT. The Chair thinks the point of order must be sustained.

Mr. BORAH. Mr. President, on page 106 I move to strike out the proviso beginning in line 20. I have spoken to the chairman of the committee about the amendment and explained

it. I do not wish to take the time of the Senate further than to say that the reason I ask that the proviso be stricken out is that in effect it amounts to passing judgment upon a matter which is in controversy in the courts. The water users feel very earnestly that they should be heard before they are in effect judged. I do not wish to discuss the matter, however, if the amendment is not to be opposed. My motion is to strike out the words:

*Provided, That no part of this appropriation shall be expended for drainage except in irrigation districts formed under State laws and upon the execution of agreements for the repayment to the United States of the costs thereof.*

Mr. WARREN. Mr. President, the matter is an Idaho proposition, and the chairman of the committee will accept the amendment on the part of the committee.

The VICE PRESIDENT. Without objection, the amendment is agreed to.

Mr. McNARY. I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 34, after line 14, it is proposed to insert the following:

*Freedman's Savings & Trust Co.: To enable the commissioner of the Freedman's Savings & Trust Co., who is hereby authorized and directed, under such regulations as such commissioner, with the approval of the Secretary of the Treasury may prescribe, to pay, notwithstanding the limitation provided by law for the presentation of claims and payment of dividends to each depositor in the Freedman's Savings & Trust Co. whose accounts have been examined and audited in accordance with existing law, or to the heirs or legal representatives of such depositors, a sum equal to the amount by which (1) the amount found to be due such depositor at the time such company became insolvent, exceeds (2) the amount which has been paid as dividends to such depositor or for on his behalf on account of such depositors, \$1,291,744.50, or so much thereof as may be necessary: Provided, That no money shall be paid hereunder (1) for or on account of any claim or account which has been sold, transferred, or assigned by such depositor or his heirs or legal representative or, (2) except as may be provided by such commissioner, any compensation for services rendered in connection with the collection or payment of any sums claimed by or due to such depositor or his heirs or personal representative.*

Mr. WARREN. Mr. President, the amendment which has just been offered by the Senator from Oregon of course can not under the rules go on this bill. It is a claim, and of course has not been estimated for. It is one of those matters which the oldest of us, perhaps, may remember as children. It has been considered in former times, and has once or twice passed one body, but never has become a law. It should be considered upon its merits alone. I shall have to make the point of order against the amendment, although I do not wish to take the Senator from Oregon off the floor if he desires to explain it.

Mr. McNARY. Mr. President, I assume that the parliamentary situation referred to by the Senator from Wyoming obtains. However, I may say briefly that amendments similar to the one now offered by me have twice passed the Senate, although I think have failed in the House for various reasons. If I recall correctly the history of this proposed legislation, a similar amendment has been attached to the sundry civil bill heretofore, but the subject matter has never been embraced in a separate measure and formally introduced here. It does not matter how ancient it is; it is still full of merit; and the colored people who deposited their money in these institutions should be paid. I do not think the chairman will deny the justice of the claim presented by the amendment.

Mr. WARREN. It does not rest with me to pass upon the claim. Of course I looked up the matter when I was chairman for six years of the Committee on Claims. Sometimes, in the last moments of the consideration of the sundry civil bill, my predecessors may have let things go in which transgressed the rule and which lived until they got to conference, and then, of course, they went out; but if we should open these regular supply bills to claims that are made we never would get anywhere with them. It has been tried in former years. I have seen appropriation bills sent back here vetoed by the President because there were claims in them. Hence the rule of this body is very specific that claims can not go on the appropriation bills.

I shall be compelled to make the point of order.

Mr. McNARY. I submit to the ruling of the Chair.

The VICE PRESIDENT. The point of order is well taken.

Mr. HITCHCOCK. Mr. President, on page 89 of the bill, line 15, after the paragraph providing for the pay of registers and receivers, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 89, at the end of line 15, it is proposed to insert the following:

*Provided, That the President is authorized to consolidate the offices of register and receiver at Broken Bow, Nebr., and to appoint, by and with the advice and consent of the Senate, a register for said office. All the powers, duties, obligations, and penalties imposed by law upon*

both the register and receiver of said office shall be exercised by and imposed upon the register, whose compensation shall be a salary of \$500 per annum, together with the fees and commissions otherwise allowable to both register and receiver, but the salary, fees, and commissions of such register shall not exceed \$3,000 per annum.

Mr. SMOOT. Mr. President, I will say to the Senator that I have no objection to this amendment, as I understand that the Interior Department would approve of the consolidation in this case. I introduced a general bill on this subject, consolidating the registers and receivers in all land offices, and I thought it would save considerable money to the Government. That bill was referred to the Interior Department, and Secretary Lane made an adverse report on it; but in that report he called attention to certain land offices in the United States where perhaps it would be wise to make the consolidation, and, as I remember, this was one of them. I am quite sure the Senator knows the land-office business of his State well enough to say whether or not this can be done by consolidation, and I think myself it can.

Mr. HITCHCOCK. Yes, Mr. President; that is the situation there. The business has fallen off so much that it does not provide fees for two men, or really work for two men; and the consolidation at Broken Bow is, therefore, a very desirable thing from the standpoint of the Government.

I will say that the amendment which I have sent to the desk is one suggested by the Secretary of the Interior, before whom I laid the matter yesterday. It is in slightly different form from what I had in mind, and it is different from what was incorporated in the bill last year in regard to an Alaska land office, but he states that this is in better form and will accomplish the purpose.

Mr. JONES of Washington. Mr. President, I desire to say that I should like to see this made general, so as to give the Secretary of the Interior authority to consolidate offices wherever he deems it wise to do so. At the suggestion of the present Secretary of the Interior, I introduced a bill along those lines two or three weeks ago. I shall not, however, interfere with the Senator's amendment, because I think it is a step in the right direction. I should like to see general legislation on the subject.

Mr. HITCHCOCK. My judgment is that it might be done in a general way, but I will say to the Senator that there are some land offices concerned which Senators will object to having consolidated, and therefore I made this apply only to this particular situation.

Mr. JONES of Washington. Yes; that is the trouble. I think the discretion ought to be placed in the hands of the Secretary of the Interior, who is acquainted with all the facts with reference to the various offices, and whenever he thinks it is to the public interest to consolidate the offices he ought to have authority to do it.

Mr. HITCHCOCK. I am disposed to agree with the Senator.

Mr. JONES of Washington. As I say, I shall not interfere with the Senator's amendment, but I wanted to express the hope that we would have general legislation along those lines.

Mr. NORRIS. Mr. President, I should like to suggest to the Senator from Washington that he offer the bill he has introduced as a substitute for the pending motion to amend and make it general.

Mr. JONES of Washington. I have not any doubt that there would be objection if that were done, and it would be clearly subject to a point of order.

Mr. NORRIS. Well, suppose there were objection? If the Senator expects to get anywhere with his bill, here is a good opportunity.

Mr. JONES of Washington. It would be clearly subject to a point of order.

Mr. SMITH of Arizona. Mr. President, I will state that I should make the point of order if nobody else did.

Mr. NORRIS. The other amendment is subject to a point of order to the same extent.

Mr. JONES of Washington. I had this bill referred to the Public Lands Committee in the hope that the committee would give the matter careful consideration and early consideration.

Mr. SMOOT. Mr. President, I will say to the Senator that personally I am in favor of the bill. The bill to which I had reference, which I introduced about a year or two ago, I forget which, provided directly that the consolidation should take place in all of the land offices; but, as I understand, the bill that has been introduced by the Senator from Washington gives the Secretary of the Interior authority to consolidate them.

Mr. JONES of Washington. Yes.

Mr. SMOOT. I am in favor of that bill.

Mr. NORRIS. Mr. President, I should just like to say, upon the information I have from my experience with these land offices, that the authority ought to be general, regardless of the



amount of business that is done at any place. There are at present two heads at every land office. They are equal in authority. There ought to be only one. In case of a contest, if they disagree, there is no decision.

The matter has to go on up, the same as an appeal would have to go up. I would favor, in preference to either one of these propositions, the bill of the Senator from Utah.

Mr. BORAH. Mr. President, could not the President do that under the Overman bill?

Mr. NORRIS. I presume he could, probably; but there are some of us, at least, who hope that within a reasonable length of time that power may be taken away. This ought to be done as a general proposition.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nebraska.

The amendment was agreed to.

Mr. PHELAN. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 95, after line 15, it is proposed to insert the following:

Imperial Valley irrigation investigation: For investigation and surveys of irrigation possibilities, Imperial Valley, Calif., including personal services in the District of Columbia and elsewhere, and for all other expenses authorized by the act of May 18, 1920 (Public, No. —), there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, \$20,000.

Mr. WARREN. Mr. President, I do not object to the appropriation of the \$20,000, because the law has just passed Congress and was approved on the 18th of this month; but there is too much language there. It takes too much with it, and, if the Senator will permit me, I shall offer an amendment in place of it on the part of the committee that will cover the appropriation.

Mr. PHELAN. That is quite agreeable to me. This is in compliance with the law passed by Congress.

Mr. WARREN. If the Senator will agree to the amendment which I now send to the desk in place of what he sent up, the committee will accept the amendment. I think, however, the Senator has not indicated a good place for it. I think page 110, after line 14, would be a better place.

Mr. PHELAN. I accept the suggestion.

The VICE PRESIDENT. The amendment offered by the Senator from Wyoming will be stated.

The ASSISTANT SECRETARY. On page 110, after line 14, it is proposed to insert:

Imperial Valley irrigation investigation: For investigation and surveys of irrigation possibilities, Imperial Valley, Calif., including personal services in the District of Columbia and elsewhere, and for all other expenses authorized by the act of May 18, 1920, \$20,000.

Mr. WARREN. That exactly carries out the law.

Mr. PHELAN. There is no importance in leaving out the words "there is hereby appropriated, out of any money in the Treasury not otherwise appropriated"?

Mr. WARREN. No; the whole bill appropriates money in the Treasury not otherwise appropriated.

The VICE PRESIDENT. If there are no moneys there, the Senator will not get this amount. The question is on the amendment offered by the Senator from Wyoming.

The amendment was agreed to.

Mr. WARREN. Mr. President, I suggest that we may expect the clerks to take care of the totals.

The VICE PRESIDENT. Without objection, the clerks will be authorized to correct the totals.

Mr. SMOOT. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The ASSISTANT SECRETARY. On page 185, after line 3, it is proposed to insert, as a new paragraph, the following:

The illustrations to accompany bound copies of memorial addresses delivered in Congress shall be made at the Bureau of Engraving and Printing and paid for out of the appropriation for that bureau, or, in the discretion of the Joint Committee on Printing, shall hereafter be obtained elsewhere by the Public Printer and charged to the allotment for printing and binding for Congress.

Mr. SMOOT. Mr. President, just a word of explanation. The only change in existing law is that the law to-day requires a steel engraving to accompany the bound copies of memorial addresses delivered in Congress. The family of Vice President Sherman brought the committee's attention to the fact that they would very much prefer a photogravure than a steel engraving, and ever since a photogravure of the Vice President has been printed with the memorial addresses provided by law; the families of deceased Representatives and Senators have asked that the same class of illustration be included, rather than these small steel engravings. The steel engravings cost about \$500 now, and the photogravure, which is very much better, does not cost one-quarter of that amount. The only way we could

have the photogravure of Vice President Sherman used was by a special resolution, and that we passed. This amendment simply provides that instead of a steel engraving an illustration can be made and the family can take their choice.

The amendment was agreed to.

Mr. SMITH of Arizona. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 106, at the end of line 8, insert as a separate paragraph:

For completing the investigation of Boulder Canyon Reservoir site on the Colorado River in Arizona, \$50,000, to be immediately available.

Mr. SMITH of Arizona. In connection with this amendment I ask to have read at the desk a telegram in explanation of it.

The VICE PRESIDENT. The Secretary will read.

The Assistant Secretary read as follows:

PHOENIX, ARIZ., May 18, 1920.

HON. MARCUS A. SMITH,

United States Senate, Washington, D. C.:

Appropriation of \$50,000 for further investigation of Boulder Canyon dam site imperatively necessary to success of Colorado River Basin reclamation project, in which I am interested not only as governor of Arizona but as president of League of the Southwest, which organization will present matter to Congress, demonstrate its feasibility, and conclusively show how productive wealth of Nation can be enormously increased. May I not urge that you use your very best efforts to secure the passage of this appropriation, particularly in view of its nation-wide importance and tremendous possibilities involved in comparison with the sum asked.

THOMAS E. CAMPBELL,

Governor, and President League of Southwest.

Mr. SMITH of Arizona. Mr. President—

Mr. WARREN. I will say to the Senator that I probably shall have to make a point of order against the amendment, but I do not want to take the Senator off the floor.

Mr. SMITH of Arizona. The Senator takes me off the floor if I know a point of order is going to be made, for I have not yet fallen into the senatorial habit of talking for the purpose of getting what I say into the RECORD. I want to save myself the humiliation of talking after I know the Senator's determination to make the talk absolutely unavailing, no matter how strong I might have been able to make it. Therefore I will not ask to be heard, further than to request that the Secretary read from where I have marked down to the bottom of the page in the resolutions adopted by the convention of the League of the Southwest at Los Angeles, on April 1, 2, and 3.

The VICE PRESIDENT. The Secretary will read.

The Assistant Secretary read as follows:

Whereas it has been shown by the investigations of the Government that a great dam may be constructed at or near Boulder Canyon on the Colorado River, as proposed by ex-Secretary Lane, adequate to control the destructive floods of the Colorado River and of sufficient capacity to supply water for the irrigation of 1,500,000 acres of land in addition to that now under irrigation, with a productive capacity of \$150,000,000 in wealth annually, with a livelihood for over 1,000,000 of our population; and

Whereas the power available from this reservoir will be sufficient to supply the necessary electrical energy for large portions of the States of California, Utah, Nevada, Colorado, and Arizona; and

Whereas the storage of water at this site will not in any way interfere with the future development of the river in the upper portions of its drainage basin: Now, therefore, be it

Resolved, That the United States Reclamation Service be requested and urged to proceed with diligence with its investigations of this site with a view to its very prompt construction.

Resolved, That Congress is hereby requested to appropriate the sum of \$50,000 for the use of the Reclamation Service in completing the investigation of Boulder Canyon Reservoir site, and that such appropriation be made available at once.

Mr. SMITH of Arizona. Mr. President, just one word before the point of order is made. I would like to ask the chairman of the committee, after congratulating my friend from California [Mr. PHELAN] in getting a similar provision on the bill, whether that amendment was subject to a point of order?

Mr. WARREN. That was to carry out a law already enacted, and it had been estimated for by the department specifically.

Mr. SMITH of Arizona. I wanted to get what I expected to be the fact so as to show in the RECORD that the committee was showing no preference.

Mr. WARREN. I thank the Senator. Now, Mr. President, I think I ought to make a few remarks right here. The files of the committee, as well as the files of individual Senators, are full of documents similar to this telegram and the resolutions offered by the Senator from Arizona [Mr. SMITH] from the different projects throughout the United States. These are provided for in a special way, from what you might call a special fund.

When these reclamation projects were first inaugurated there was a sort of helter-skelter method of trimming in and out, perhaps, on the floor of Congress, in one House or the other, so a law was passed which provided, instead of the department taking funds needed out of a lump sum, as was done

before that time, and distributing without some more definite estimates, that they should be estimated for and go before the House, be considered there by the Committee on Appropriations, and divided and apportioned among these various projects in such a way as not to exceed the income received, and that income is obtained from the sale of public lands, the wild lands which may be taken up in various ways, and also from the payments upon the land and water in these irrigated regions.

For instance, this year our projects are seeking for more money; they all need it, without a doubt; but here is what confines the appropriations:

Under the provisions of this act no greater sum shall be expended, nor shall the United States be obligated to expend, during the fiscal year 1921, on any reclamation project appropriated for herein an amount in excess of the sum herein appropriated therefor, nor shall the whole expenditures or obligations incurred for all of such projects for the fiscal year 1921 exceed the whole amount in the "reclamation fund" for that fiscal year.

A similar provision has been in preceding bills.

Mr. SMITH of Arizona. That would have been true under a strict construction of the law governing the Treasury Department whether that was in this appropriation bill or not, and I would like to suggest that, as far as I am concerned, I thought then and still think that the Reclamation Service was very badly crippled by the new provision to which the chairman of the committee has alluded, to make the possibility of making homes for a million people depend on the mere question of having had an examination and an estimate of the cost of it made without expense to anybody. It is not always possible to get that estimate, and therefore the projects are never started until the matter is brought to Congress to get an estimate. The result is you have crippled the Reclamation Service and made a dollar of it go about half as far as a dollar used to go, by transferring it to the Appropriations Committees of the two Houses. I want to give notice now, for whatever such notice is worth, that at the first opportunity I shall try to see if I can not get that provision amended so as to let the irrigation business go on with some sort of order. There was not a complaint of the expenditure of money foolishly under the old régime.

Mr. WARREN. Mr. President, I make the point of order, as the matter is not estimated for.

The VICE PRESIDENT. The point of order is sustained.

Mr. PITTMAN. Mr. President, I offer the following amendment on page 108.

The VICE PRESIDENT. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 108, line 7, after the word "operation," insert the word "drainage," so that it will read:

Newlands project, Nevada: For operation, drainage, and maintenance, continuation of construction, and incidental operations, \$664,000.

Mr. WARREN. The committee will accept that amendment. The amendment was agreed to.

Mr. PITTMAN. I offer another amendment on the same page.

The VICE PRESIDENT. The Secretary will report the amendment.

The ASSISTANT SECRETARY. On page 108, line 9, to strike out "\$664,000" and in lieu insert "\$974,000."

Mr. WARREN. Mr. President, the committee can not consent to that amendment, nor should I think the Senator would ask it, under the legislation which strictly forbids it, because all the funds have been allotted, and if we should put that in and pass it, it would not avail a penny for the purpose for which the Senator desires it.

Furthermore, if this were put into the bill, it might cause the Senator, or perhaps others, to understand that we have preferred it to all of the other projects duly certified up here and estimated for, as that one has been, which, under the original estimates of this year, might perhaps be considered to be in order. If the Senator will bear with me, I will say that by the passage of the oil-land leasing bill we provided that certain sums now impounded in banks to the order of the Treasurer of the United States would eventually go part to the States and part to the Reclamation Service. The Director of the Reclamation Service, desiring, as we all do who are interested in these projects, to push them along as fast as possible, entertained an idea at the time he made these estimates that that oil money would be almost immediately available, and therefore he proceeded to distribute it with the other in his original estimates. But a certain suit at law is before the court respecting many of those oil claims, and the companies have secured injunctions stopping the payment of that money, and it can not be paid out for many months yet; so the only way left, if we want any

effective legislation to increase these appropriations, would be to provide by law that the Government should loan, say, \$5,000,000 to the reclamation fund, on the promise that it would be refunded later out of the oil money.

That was the idea which came to the Director of the Reclamation Service at the time he submitted his estimates, but he now says that with the conditions that prevail it is simply without force to give effect to his larger estimates as he sent them in. He has stated that the bill now before us covering these projects and the various funds will be all that can be appropriated and used under the law.

Mr. PITTMAN. Mr. President, I realize the situation as stated by the Senator from Wyoming, and I have observed in looking over the appropriations for reclamation projects that there has been no increases over the House provisions. Mr. Davis, Director of the Reclamation Service, before the committee of the House stated the objects of these allotments. He asked in that estimate for \$974,000, and the committee gave him \$664,000; in other words, they gave him an insufficient amount to carry out the work which should be carried out.

In my opinion, the chief reason for the partial failure of irrigation projects is by virtue of the fact that they never are given enough money to handle them on a business basis. They give them enough money on one occasion to put water on the land, but no money to take it off; to drain it. They give them money enough to induce the settler to go there, because they bring a ditch to his land, and then the land is often so located that it is impossible of drainage. In other words, committees of Congress in recommending the appropriation apparently pay no attention to the reasons given by the experts in their demands for money. They treat it very much like a jury does a damage suit. They do not know what the damage is, but they cut it in two several times, depending upon the appearance of the witnesses.

In the estimate of \$974,000 there is \$300,000 for drainage. In testifying before the committee Mr. Davis said that the project was retarded, its progress was obstructed, the costs of it were increased, the time of the return of the money to the Treasury under the revolving system was long delayed, and there was an inadequate drainage system because the water level was rising; that they were putting water on the land and it was settling there and gradually building up higher until it was making ponds all over that country; that the land was souring and vegetation was being swamped.

He said before the committee in that very hearing that it is practically impossible, by reason of the situation, for the settlers to conduct their drainage. Of course it is, because here is one settler and a mile away will be another settler, and the land between the two will be Government land. If one settler attempts to level his land he gets too much fall to it and makes a pond at the head of the other man's land below. That system of drainage has been attempted by settlers and has been found impracticable.

We often hear that these projects are not successful. Of course they are not. They are not successful because Congress has failed to support the experts who could have made them successful.

The Senator says that the whole fund is allotted and that if we add any more to this proposition some allotment will have to be neglected. That may be true, but possibly there may be some project that does not deserve the consideration that this does. There may be some project that can be skimped without destruction of the project. It seems to me that we might agree to the estimates made by the Reclamation Service, and then, if the Reclamation Service finds it has not the money in the fund, it will be time enough to question the expenditure.

I simply offer the amendment.

Mr. WARREN. Mr. President, the Senator from Nevada, I hope, understood what I said about the estimates. These were the early estimates, and the testimony which the Senator has referred to is that given by the director away back there; but when the injunctions were served the director had stated to us directly that we could not fill them to any effect unless we made a direct loan from the Government, which we did once, as the Senator remembers, of \$20,000,000.

Of course, I think the Senator would hardly wish to put himself and the State of Nevada in the position of wanting to take away from others in order to build up his own just at this moment, especially when the experts of whom he speaks and the director have acceded to this allotment as being fully liberal to the project which the Senator has in mind.

Now, the consequence would be this. I, of course, have no personal interest except that expressed by the Senator. I wish we had twice as much as even he asks for, for this and for all other projects, but we have got to cut the garment according



to the cloth. We can not raise those amounts here unless we simply give it all up and raise them all, and then where are we? They are of no avail whatever under the law until the time comes when the fund can be turned over to the Reclamation Service and be allotted.

Mr. PITTMAN. Mr. President, I realize, if the total appropriation is larger than the total fund, some one is going to be reduced. But unless we authorize the expenditure of the full amount of the estimate, it can not be expended. If we do authorize the full amount of the estimate, it may or may not be expended. It will not be expended if there are no funds available for it. I would rather be on the safe side and have it authorized in the event at the time of expenditure there were funds available.

The lawsuits that are now tying up the funds which they expected to get might be settled to-morrow, and if they were settled to-morrow the extra \$310,000 would be available for that project. I realize that we can not get any more money than we have had in the past, but I would rather be in the safe position of having the full amount of the estimate in the event we get the fund.

Mr. SMOOT. If the Senator's amendment were adopted, then if the funds were received none of the other projects mentioned in the bill would get any more than they are estimated for now.

Mr. PITTMAN. That is true.

Mr. SMOOT. If we are going to do anything at all, they all ought to be increased pro rata, so that if there was any more money received they would all get their share. For instance, take the Strawberry Valley project in Utah. All they have given for that great project is \$86,000 this year. I am not objecting, but if we are going to increase the other projects, then I want this increased in the same proportion that any other project named in the bill is increased. That would be the only fair way to do. Therefore, it seems to me we can not pick out one here and increase it unless we increase them all.

Mr. PITTMAN. Of course, I do not know anything about the other projects; that is, I do not know whether they have received the amount estimated for them or not.

Mr. SMOOT. I will say to the Senator that there is none of them that will receive the estimate that was made in the hearings before the House committee at the time we thought we were going to get \$7,000,000 to \$8,000,000 of oil money. I say we can not make the appropriation, because we do not know when that money is going to be received, but we do know that it will be months before the suit will be settled.

Mr. PITTMAN. For instance, the small amount the Senator is getting for the Utah project will not accomplish any good at all?

Mr. SMOOT. I virtually agree with the Senator. Really, it will simply pay maintenance charges and probably keep up some small repairs.

Mr. PITTMAN. Then they might as well take that and turn it over to the Nevada project.

Mr. SMOOT. Oh, no; we have to maintain it, we have to make repairs upon it, and have men there to look after it. I do not think we will spend a cent of this money on the high-line canal. The project is mapped out and recommended by the department to carry stored water into Goshen Valley, but not a cent has been provided for it, and knowing the conditions as I do, I am not going to ask it unless there are other projects that are increased.

Mr. PITTMAN. I assume that the chairman of the committee and the Senator from Utah, both members of the Committee on Appropriations, would have granted the request and the estimate of the director had it not been for the fact that here were not sufficient funds.

Mr. SMITH of Arizona. Mr. President—

The VICE PRESIDENT. Does the Senator from Nevada yield to the Senator from Arizona?

Mr. PITTMAN. Certainly.

Mr. SMITH of Arizona. I am not going to occupy the floor for more than a minute. I merely wish in this connection to suggest again what I suggested before, and ask those Senators experienced in the irrigation business whether it is not a fatal mistake, as the Senator's case demonstrates, to have thrown into the vast House and Senate the decision of the questions as to what should and should not receive a certain amount of money instead of leaving it, as it was left for many years, in the hands of the Secretary of the Interior, without any complaint in the world of any shortage or graft or misuse of funds. Thrown in here to be guided by the two committees of the two Houses, it results in nothing being done, as it seems is the case with everything else that Congress takes hold of. There has been less done in two years since they turned it in here than

had been accomplished in any one year preceding that. So I would suggest to those who claim to know something about it the propriety of seeing if by and by we can not have one head of the Reclamation Service, so as to make an equitable and fair distribution of these funds instead of having to go through the performance we are going through this morning.

Mr. PITTMAN. I thoroughly agree with the Senator from Arizona. I know we have changed from a scientific system to a kind of hodge-podge system. I remember the time when we were held up by the other branch of Congress and forced into the position we are now in. I am in hopes that some day we may get back where we were.

Mr. HENDERSON. Mr. President, last December when I was in Nevada I visited the Newlands project and I found a very acute situation had arisen in regard to the drainage of that district. At the time the project was put in no drainage facilities were provided. Upon my return last winter I introduced a bill making an appropriation for the construction of drainage facilities in connection with the Newlands reclamation project in the State of Nevada. The bill carried an appropriation of \$300,000.

A proviso in that bill read as follows:

*Provided, That if and to the extent that other funds become available for such purpose prior to January 1, 1921, through payments into the reclamation fund established under such act of June 17, 1902, or otherwise, the unexpended balance of the appropriation provided for in this act shall cease to be available for such purpose.*

Mr. President, it is absolutely necessary to have drainage facilities in the Newlands project in Nevada in order that the farmers may maintain their production. I have here an interesting map, which was furnished me by the project manager, showing that there were over 43,000 acres under cultivation, of which about 31,014 acres had crops in full production. Out of the 43,000 acres about 2,179 acres at the present time have water from 0 to 2 feet from the surface, and about 30,000 acres have water from 2 to 6 feet beneath the surface.

The bill which I introduced last winter was sent to the Secretary of the Interior, and I send to the desk a letter from him approving the bill with one amendment, changing the date from 1921 to 1922. I ask that the letter from the Secretary of the Interior be read.

The VICE PRESIDENT. In the absence of objection, the Secretary will read as requested.

The letter was read, as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, January 16, 1920.

MY DEAR SENATOR: I have your letter of January 7, 1920, inclosing two bills with request for report, one of them being S. 3641, entitled "A bill making an appropriation for the construction of drainage facilities in connection with the Newlands reclamation project in the State of Nevada."

The bill proposes an appropriation of \$300,000 for the purpose specified in the title.

The drainage conditions on this project require early attention, and no funds are available at this time for the purpose. An irrigation district has been organized on the project, which would be in position to make an appropriate contract with the Government to insure repayment of the expenditures.

The bill makes the money available immediately and until January 1, 1921. It also provides in the last clause that in case other funds become available before January 1, 1921, the unexpended balance of the appropriation shall cease to be available.

The usefulness of the bill would be improved if the availability of the funds were extended through the year 1921 to provide for unavoidable delays.

I therefore suggest that in both places 1921 be changed to 1922, namely, in line 5, page 1, and line 5, page 2.

In view of the circumstances detailed, I suggest favorable action upon this bill.

Cordially yours,

FRANKLIN K. LANE,  
Secretary.

HON. CHAS. L. McNARY,  
Chairman Committee on Irrigation and Reclamation of Arid Lands, United States Senate.

Mr. HENDERSON. Mr. President, in view of the apparently unavoidable delay in getting action upon that bill, on May 24 I offered as a proposed amendment to the pending bill the bill to which the Secretary of the Interior refers, with the changes as suggested by him; in other words, changing the date from January 1, 1921, to January 1, 1922. As we all know, we expected to receive from the funds that were then held under the oil-leasing proposal a great deal of money for the reclamation projects. Up to date, however, we have been unable to get any of that money. The proviso which I have just read would make it impossible for the Reclamation Service to get a cent of the \$300,000, provided there is any other money available. It is absolutely necessary that something be done in connection with this project at this time. If the work is not started the 694 farms on this project at this time will suffer because of the lack of drainage. It is necessary for the Director of the Reclamation Service to know whether or not he can go ahead and begin preparations to put in at the lower end of the project

the canal for draining the lands. The water is gradually rising to such a height that it is water-logging that section of the project.

If my colleague will consent, I should like to have my amendment substituted in place of the amendment he has offered. It would meet the object raised and accomplish the same result.

Mr. PITTMAN. I accept the amendment of my colleague.

Mr. HENDERSON. I send to the desk the substitute which I propose for the amendment of my colleague.

The VICE PRESIDENT. The question is on the amendment proposed by the junior Senator from Nevada.

Mr. SMOOT. Mr. President—

Mr. WARREN. Mr. President, let us first ascertain what the amendment is.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. In lieu of the amendment offered by the senior Senator from Nevada [Mr. PITTMAN] it is proposed to insert the following:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$300,000, available immediately and until January 1, 1922, to enable the Secretary of the Interior, acting through the United States Reclamation Service, to construct suitable drainage facilities in connection with the Newlands reclamation project, in the State of Nevada, and for operations incidental thereto, to be expended in conformity with the provisions of the act entitled "An act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June 17, 1902, and of all acts amendatory thereof and supplemental thereto: *Provided*, That if and to the extent that other funds become available for such purpose prior to January 1, 1922, through payments into the reclamation fund established under such act of June 17, 1902; or otherwise, the unexpended balance of the appropriation provided for in this act shall cease to be available for such purpose.

Mr. HENDERSON. I have here a letter which I received a few months ago from Director Davis, of the Reclamation Service, in which he says:

DEPARTMENT OF THE INTERIOR,  
UNITED STATES RECLAMATION SERVICE,  
Washington, D. C., December 15, 1919.

HON. CHARLES B. HENDERSON,  
United States Senate.

MY DEAR SENATOR: Responding to the inquiry you made when you called at my office this morning, I have to say that the need for drainage at the present time on the Newlands project is acute. Some of the lands are already water-logged and there is a slow and gradual rise of ground water under other lands which threatens further damage. This condition has been progressing for years and becomes all the time more acute. In view of the conditions, efforts have been made to secure local support for drainage work in order that the return of the money thus expended may be assured as required by law.

It was necessary to change the State laws to make this possible, and the changes were made. It then was necessary to organize a district of the lands affected and secure a contract which would cover the ground and assure the return of the money.

After long efforts the district has been organized and negotiations are under way to secure the proper form of contract so that under the provisions of the law this work could be undertaken. Anticipating a successful issue of these negotiations and the approval and execution of proper contracts, the estimates of appropriation for expenditures from the reclamation fund for the fiscal year in 1921 have included an item of \$250,000 for expenditure for drainage on the Newlands project.

This is published in the Book of Estimates of appropriations for the fiscal year 1921, recently issued by the Treasury Department, and it is probable that with proper support this appropriation will be made at the present session of Congress, becoming available next July. It depends, however, upon the availability of money in the reclamation fund for this purpose, and in case the full amount estimated does not accrue to the said fund the various estimates will have to be pruned down accordingly. The passage of the coal and oil leasing bill as it recently passed the House of Representatives would insure ample funds for this purpose in the reclamation fund and provide funds sufficient to dig about 45 miles of canal.

This is about one-fourth of the total amount required for the solution of the drainage problems on the Newlands project, and it would be very desirable to have this amount increased if possible.

The supplemental estimates for reclamation work as published in the Book of Estimates, page 642, provide additional amounts for various projects where needed, and if this legislation could be passed as estimated it would permit the progress of this work at an economical rate. Legislation covering this

matter is included in the bill introduced by Senator McNARY, chairman of the Senate Committee on Irrigation, S. 3357.

Very truly, yours,

A. P. DAVIS, Director.

Mr. President, in view of the facts and the conditions as they now exist on this project, it seems to me that, in order to save to the settlers in that district the cultivated lands on which they are now growing their crops, the amendment should be adopted.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Nevada.

Mr. WARREN. I understand the Senator from Nevada offers his proposal as an amendment to another amendment.

Mr. HENDERSON. It is offered as a substitute for the amendment offered by my colleague [Mr. PITTMAN].

Mr. WARREN. Mr. President, of course the amendment proposed is legislation; it has not been estimated for, and, while it might be the proper subject of a bill to be considered by the appropriate committee, it, of course, proposes new legislation and, in a way, general legislation. I shall have to make the point of order against it.

Mr. HENDERSON. Mr. President, I think there is a question as to whether the amendment proposes general legislation. The Senator says it is general legislation, which I question, and that it has not been estimated for; but I contend that it has been estimated for.

The VICE PRESIDENT. The Chair does not think it is general legislation.

Mr. WARREN. It has not been estimated for.

The VICE PRESIDENT. That is a horse of another color.

Mr. WARREN. And has not been reported by a standing committee, nor has it had consideration at the hands of a committee. I differ, of course, as to its being legislation—

The VICE PRESIDENT. It is legislation for a particular project, but it is not general legislation. Inasmuch, however, as it has not been estimated for nor referred to a committee, the Chair will sustain the point of order.

Mr. HENDERSON. I understand that it has been estimated for in the Book of Estimates, for the letter from which I just read stated that the Reclamation Service, through the Secretary of the Interior, had estimated for this expenditure.

The VICE PRESIDENT. It has been estimated for out of the reclamation fund but not out of the General Treasury. The Chair sustains the point of order.

Mr. FERNALD. Mr. President, I offer an amendment to be inserted on page 3, after line 18.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 3, after line 18, it is proposed to insert the following proviso:

*Provided*, That the aforesaid act of August 25, 1919, shall be held to include all contracts for the construction, improvement, special repair, equipment, and furnishing of post offices and other public buildings specified in said act the bids for which were advertised for prior to April 6, 1917, but the contracts for which were not awarded until after that date, and as to such contracts claims for reimbursement may be filed within three months after the passage of this act.

Mr. WARREN. Mr. President, I shall probably have to make a point of order against the amendment; but I desire to have the Senate understand something about the situation. In the regular way we enacted a law to consider certain contracts for public buildings. The law provided that between certain dates where contractors made a plain case of proof showing that they had lost money, and the amount claimed was accepted by the Treasury and certified accordingly, an appropriation would be made to meet those sums.

As in the case of all legislation that fixes dates, some one is bound to be just below or just above the specified date. The amendment relates to contracts entirely outside the dates provided by the law.

The Senator from Maine, who is chairman of the Committee on Public Buildings and Grounds—and a very efficient chairman—has this project much at heart, and has ascertained, I hope, the amount that might be required to be met by legislation which will probably follow, but which, of course, can not be provided for on the pending appropriation bill.

The VICE PRESIDENT. Does the Senator raise a point of order against the amendment?

Mr. WARREN. I withhold the point of order in order that the Senator from Maine may offer an explanation of the amendment.

Mr. FERNALD. Mr. President, the amendment which I have offered is designed to make provision for the contractors whose bids were submitted to the Treasury Department prior to April 6, 1917, but were not accepted until subsequent to that date.



Provision has already been made for all contractors whose bids were accepted on or before April 6, 1917.

The amendment proposes no new project nor does it call for any extra appropriation. I believe that, in a spirit of fairness, this Government ought to pay all of its just bills, and pay them promptly; it ought to be the best paying institution in the country. Every business man who has just bills to be paid will keep his reputation good by paying them promptly.

The whole number of claims which would come under this provision is 49, and according to the estimate of the Treasury Department, on the basis of the claims already settled, the amendment would involve an expenditure of between two hundred and three hundred thousand dollars. It would clean the entire slate, so far as the Treasury Department is concerned, and would give every contractor who submitted bids prior to the date named and whose bids were not accepted until after that date an opportunity to file his claim before the Treasury Department for adjustment.

There are 49 claims, and the contracts amount to \$1,017,000, but probably not one-quarter of that amount would be extra expense. You know we were a going concern prior to the outbreak of the war. We were constructing public buildings all over the country in nearly every State. These contractors were building all over the country, and they come from 21 different States. On the outbreak of the war, when they were undertaking to complete these buildings, the different departments of the Government stepped in and took their labor—which they had arranged for at \$2 and \$3 and \$4 a day—and paid \$10 and sometimes \$15 a day for it. They took their materials—the cement and the brick and the mortar and the wood and the steel and everything.

If a private individual were to file a claim against another individual of whom he had taken a contract, there is no question about his standing before the courts. He can collect the damages. In this case I believe the Government wants to pay those contractors and get this slate clean. As I say, it is a matter of probably not exceeding \$300,000, probably less than \$200,000.

I have here a letter addressed to the chairman of the Appropriations Committee. I wish to say that he has been exceedingly courteous and fair in this matter, and I hope he will not insist upon making a point of order. The letter is dated May 21, and is addressed to the chairman of the Appropriations Committee by the Secretary of the Treasury. In it he says:

Reference is made to your request of blank date for immediate report in connection with the proposed amendment to House bill 13870 by the insertion of a provision that the act of August 25, 1919, shall be held to include the contracts for the construction, etc., of post offices and other public buildings, bids for which were advertised prior to April 6, 1917, but contracts not awarded until after that date. As appears from the context the purpose of this legislation is to provide relief for losses claimed to be due to war conditions to contractors who submitted bids for work advertised prior to the entry of the United States into the war upon which, however, contracts were not awarded until after that time.

Several of these contracts were awarded the next day after the outbreak of the war, on April 7, and all of them before July 1 following.

From information on file in the department it is probable that there are claims of this character which are meritorious but which, under the provisions of existing law, can not receive favorable consideration. It is believed, therefore, that the legislation is justifiable. The department has no knowledge as to the number or amount of claims which might be filed under the provisions of this legislation. Their favorable consideration might necessitate an additional appropriation at some future time, but it is not probable that they would involve any additional appropriation prior to the time for submitting new estimates.

All I claim in the world is that these contractors whose bids were accepted subsequently to April 6, 1917, ought to have the same standing and status before the Treasury Department, and have the same opportunity to submit their claims for adjustment, as those whose bids were accepted on or before April 6, 1917.

The Supervising Architect has this to say:

Previous legislation fixed a limit of time in which the contractors should file claims. This legislation will extend that time. A number of contractors did not avail themselves before, and the new legislation covers them again, because their bids were advertised before April 6 and contracts granted after. Treasury Department considers several claims filed too late as meritorious.

Taking all contractors into consideration that could possibly come under this legislation—50. Total amount of contracts, \$1,017,190.

That is a little less than I estimated. It seems to me that in a spirit of fairness the Senate and the Government ought to be willing to pay the Government's just bills. I am not asking for any new project or any new appropriation, but simply that these men who put their money and time into constructing public buildings shall have the same treatment from the Government that they would have had if they had entered into con-

tracts with individuals, companies, or corporations; and I hope the Senator will not raise the point of order against this particular amendment.

Mr. WARREN. Mr. President, I shall have to make the point of order.

The VICE PRESIDENT. It will have to be sustained.

Mr. CALDER. Mr. President, I offer the amendment, which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 25, after line 23, it is proposed to insert:

*Provided further*, That the general appraisers of merchandise shall each be allowed and paid the same necessary expenses of travel and reasonable expenses actually incurred for maintenance consequent upon transacting official business in pursuance of law at any place outside of New York City as is at present provided by law for judges of the district courts of the United States when transacting official business at any place other than that of their official place of residence.

Mr. WARREN. Mr. President, may I ask the Senator a question? As I understand, this amendment provides for the payment of the same expenses in the case of these appraisers that are already allowed for the judges?

Mr. CALDER. This amendment simply provides that the members of the Board of General Appraisers of New York—which is purely a judicial body—may, when they sit in Boston or Philadelphia or Washington or St. Louis or Chicago or San Francisco, be allowed the same per diem for actual expenses as is allowed judges of the district courts—for instance, the judge of the district court of Virginia when he sits in New York or Chicago or Boston or any other part of the country. They are now allowed \$4 per diem.

Mr. WARREN. Mr. President, the matter is one that ought not to come up on an appropriation bill at the last moment; and, on the other hand, there may be justice in it. I am willing to let it go in, if it is not objected to by other Senators, and see what we can do with it in conference.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from New York.

The amendment was agreed to.

Mr. KENDRICK. Mr. President, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 110, after line 14, it is proposed to insert:

Green River watershed projects, Wyoming: For the investigation and survey of an irrigation system in the Green River watershed, Wyoming, including the Bonneville, Sedskadee, Big Piney-La Barge, Opal, Church Butte projects, \$25,000: *Provided*, That no expenditure shall be made from this appropriation except from receipts accruing to the reclamation fund from royalties under the terms of the act approved February 25, 1920.

Wiley project, Wyoming: For the investigation and survey of the Wiley project, Wyoming, \$10,000: *Provided*, That no expenditure shall be made from this appropriation except from receipts accruing to the reclamation fund from royalties under the terms of the act approved February 25, 1920.

Mr. KENDRICK. Mr. President, a few moments ago the Senator from California [Mr. PHILAN] presented and the Senate adopted an amendment providing for the investigation of the irrigation possibilities of the lower Colorado River. The first item in the amendment which I have offered appropriates \$25,000 for the investigation of five reclamation projects in what is known as the Green River watershed, which is also a part of the drainage basin of the Colorado River. Necessarily this investigation involves the right to the use of the waters of that stream. It had its principal sources in the State of Wyoming, and no investigation of the irrigation possibilities of this river can be complete, and no adjustment of any system of irrigation based upon it should be made, that does not provide for the development of the irrigable lands in its basin which lie within the State of Wyoming.

The land included in the so-called Green River projects composes one of the largest irrigable tracts of land in the United States. It covers an entire area of approximately 1,025,000 acres. An investigation was made of these projects in 1915 by the Reclamation Service, acting in cooperation with the State of Wyoming, and the formal report which was made in February, 1916, by the engineers pronounced the project feasible. It was estimated at that time that seven reservoirs to store sufficient water to irrigate all the land under this system could be built for approximately \$1,560,000. In 1918 the Reclamation Service made some additional investigations of these projects, but the work was naturally of only a preliminary nature. It is intended by the proposed amendment to enable the Reclamation Service to proceed to a more detailed study of the possibilities of this system.

The normal flow of the Green River does not furnish sufficient water for the use of the settlers who have already taken up land in this area. During the past year the farmers of this

valley suffered heavy losses in their agricultural and stock-raising enterprises by reason of the fact that the normal flow has been overappropriated. It is only by the development of the surveyed reclamation projects that the difficulty may be solved, and it is, of course, highly important that the work be initiated at the earliest possible moment. I trust, therefore, that the Senate will see its way clear to adopt the amendment which I have presented.

The second item in the amendment provides for an investigation of what is known as the Wiley project in Wyoming. This includes approximately 90,000 acres of land and it is in a sense an extension of the Shoshone project. The reservoir, which has already been constructed at a cost of more than \$1,600,000, stores sufficient water at the present time, I am advised, to irrigate this land and the problem is to provide for its distribution over the area included in the so-called Wiley projects.

As an indication of the great demand there is for irrigable land in this section, I may state that last year when the seventh unit of the Shoshone project was opened, although the Reclamation Service had only 56 farms to offer, 397 applications were presented for them. During the past year, at the opening of another unit of the same project, the excess of applications over available farms was very much greater. Hundreds of former service men from all parts of the country sought the few farm units that were open to entry.

There can be no doubt that if this land were reclaimed it would be put to immediate use. The appropriation for which I am asking will enable the Reclamation Service to make substantial progress with the preliminary surveys, and I hope my colleagues will find it possible to accept the amendment.

Mr. WARREN. Mr. President, nothing would give me greater pleasure than to oblige my distinguished colleague, nor, next to that, would anything give me greater pleasure than in some way to forward the matter that he has brought before the Senate; but the Senator, of course, must remember that the Senator charged with the responsibility of all of the projects must follow law and equity as nearly as he can. Therefore I shall have to make the point of order against the amendment, because it has not been estimated for, and provides for some special legislation and the expenditure of money, which, of course, changes existing law.

Mr. KENDRICK. Mr. President, will my colleague yield?

Mr. WARREN. Certainly.

Mr. KENDRICK. I call the attention of my colleague to the fact that this amendment was introduced and referred to his committee several days ago. Do I understand his point of order to be that it was not presented to the committee?

Mr. WARREN. I did not raise the point the Senator speaks of. The amendment was submitted, but I spoke of an estimate, and there is no estimate from the Treasury or the department for it, and it has not been reported favorably by a standing committee. It changes the law. I do not claim that the amendment has not been introduced in Congress and sent to the Appropriations Committee, but I do claim that it was there turned down by the committee, with other amendments of like character.

I beg the Senator to allow me to suggest this: I believe he is a member of the Committee on Public Lands. I shall be very glad to assist him in any way, although I am not a member of the committee, to procure the passage of the legislation he is asking for, and then, if appropriations are estimated for under it, to assist in securing those appropriations.

So I make the point of order on the ground that it has not been estimated for.

The VICE PRESIDENT. The Chair is not ready to rule on that for a moment.

Mr. WARREN. Perhaps the Vice President did not get the ground upon which I base the point of order.

The VICE PRESIDENT. The Chair understood that the point of order was made on the ground that it was a new item of appropriation, not moved by the direction of a standing committee, or proposed in pursuance of an estimate from the head of some one of the departments.

Mr. WARREN. It is not estimated for by the head of any department; it is not introduced here by the act of any standing committee; and it does increase the appropriation. The Vice President will observe, in looking over the rule respecting appropriations, that that enters into it as part of the consideration.

The VICE PRESIDENT. Would it change the existing law with reference to the irrigation system?

Mr. WARREN. I might say that it is entirely in the nature of new law, or a proposition which comes in which is new legislation. There is no doubt about that.

The VICE PRESIDENT. What is this royalty, under the terms of the act approved February 25, 1920?

Mr. WARREN. Perhaps the Vice President did not notice what I said about the oil and phosphate leasing bill. That bill provides, in regard to certain money now impounded in the Government's hands because of pending suits, that when the suits are decided, if anything is left over for the United States, a certain percentage—I think 20 per cent—shall go to the State and a larger percentage to the reclamation fund, or the amounts may differ, and I may not be right about the 20 per cent. But the whole amount is to be divided. First, the Government takes a certain small amount as royalty, and then it goes to the States, part of it, and part to the Reclamation Service. That is legislated for, so far as it goes, but before it can be utilized there must be a dissolution of the injunction against the distribution of this money, and a settlement of the cases in court, before it in any wise can benefit either State or reclamation fund.

Mr. KENDRICK. Mr. President, as having some bearing on the point of order, I think it might be important to inform the Chair that the Reclamation Service has already expended several thousand dollars in this investigation, during 1915, I think it was, under an appropriation made in the sundry civil bill passed the previous year.

The VICE PRESIDENT. The Chair will sustain the point of order.

Mr. POMERENE. Mr. President, I am obliged to be in a committee meeting at 2.30, and I want to offer this amendment: On page 48, at the conclusion of the page, I move to insert the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 48, after line 25, insert:

For the purpose of increasing the pay of 10 National Zoological Park policemen, at the rate of \$400 each, over and above their present pay, \$4,000.

Mr. POMERENE. Mr. President, I want to be perfectly frank about this amendment. There are 10 National Zoological Park policemen who are paid out of a lump sum which is appropriated for the Smithsonian Institution. These park policemen are getting the munificent sum of \$960 a year, with the privilege of paying for their own uniforms, shoes, and so forth. To that is added the \$240 bonus. The other park policemen were taken care of when we provided for the increase in the pay of the policemen, so that their basic salary is \$1,360, while the National Zoological Park policemen are getting only \$960.

Mr. WARREN. Do they get the bonus?

Mr. POMERENE. Yes; they get the bonus.

Mr. WARREN. In addition to that salary.

Mr. POMERENE. In addition to \$960; but all park policemen get the bonus. I learned on yesterday that this bill was likely to be made the unfinished business upon yesterday. I took the matter up with the Smithsonian Institution, so that they might make an estimate, and they said they would do so. I immediately wrote to the Secretary to the President, as well as to the Secretary of the Treasury, asking them to have the estimate here. Word was left at my office that it would be prepared and sent promptly. It has not as yet arrived, but I think a sense of justice would suggest that while all of the other policemen are getting this increased pay these 10 policemen, who are out there doing a real public service, ought likewise to have this increased pay, and I hope that no point of order will be made against it.

I have seen several of these men and have talked with them. Their uniforms are threadbare. They are not able to buy additional uniforms and support their families on this meager pay, and I confess I do not like to see the great National Government and the District government keeping these men out there doing this real service on this meager pay.

For that reason I submit the amendment.

Mr. WARREN. Mr. President, the men to whom the Senator alludes are paid by the Smithsonian Institution managers, and paid from lump sums which are appropriated from time to time. It is a matter for them to make the salaries rather than for the Congress. On the other hand, no estimate is here, and yet we had the Director of the Smithsonian Institution before the committee; we asked him to make known his wants. It has not been estimated for.

Mr. POMERENE. Will the Senator yield for a question?

Mr. WARREN. If the Senator will allow me, I will finish my statement.

Mr. POMERENE. I am glad the Senator has made that suggestion. I talked on yesterday with the Secretary of the Smithsonian Institution—



Mr. WARREN. I am not making any suggestion; I am simply telling the truth.

Mr. POMERENE. I suspect the Senator is telling the truth, but he is not telling the full truth about it, and I propose to give him the full truth about it.

Mr. WARREN. It may be the Senator will wait until I finish my statement.

Mr. POMERENE. This is pertinent to what the Senator is saying now. I am not questioning the veracity of the Senator; but the Secretary of the Smithsonian Institution said that the reason why no increase was called for was that the Appropriations Committee asked them not to call for any increases.

Mr. WARREN. The Committee on Appropriations of the Senate did not make such a request, as I remember it.

Mr. POMERENE. Some committee did. At any rate, while there is a difference of opinion here, and it is intended to raise the objection that there has not been an estimate, I can estimate how much ten times four hundred is. I think we all know what that means. The Senator, who has so ably presided over this great committee for so many years, does not always insist upon the letter of the law when it comes to these estimates. I do not think anybody is going to complain if meager justice can be meted out to these 10 men at this time.

I am not a member of the Appropriations Committee; I am not particularly charged with the duty of looking after these men; but as one of the 96 Senators I feel that there is an obligation on the part of this Government to take care of these men, and I sincerely hope that the chairman of the committee, out of the kindness of heart which I know he possesses, will allow the amendment to pass. In any event, let it go into the bill and take care of it in conference if the estimate does not come. I beg he will do it.

Mr. WARREN. Mr. President, thanking the Senator for his gracious remarks, the Senator is to be congratulated that he is not on the Appropriations Committee in this year of our Lord 1920, to provide for 1921, for, if he knows of any bureau or any department of the Government or any group of operatives under the pay of the Government who have not asked this committee for raises in salaries, he will name some one the existence of which I do not know. The book is full of estimates where they have attempted to raise salaries. The whole subject of salaries has been considered by the Reclassification Commission, the report of which we presume the House will take up almost immediately, and which we are only anxious to follow; and these matters will all be taken care of in due season.

While we have this able committee to do this laborious work and spend its time, the trouble originally was because Senators would rise in their seats, one Senator imbued with the wants of one class of operatives and move to increase the salaries, depending, as the Senator does, upon the goodness of heart of the chairman of the committee, who has no interest at all except to treat all of them alike, until we have a condition of higgledy-piggledy all through such bills as to salaries. They have been in some degree equalized, it is true, but we must wait until this classification work goes on. So I shall be compelled to make a point of order.

Mr. POMERENE. Allow me to suggest that these policemen can not feed their babies on promises of future legislation, and if the Senator can justify himself in raising a point of order when all the other policemen in the District have received their increases—

Mr. WARREN. Oh, no; Mr. President, the policemen of the District and the watchmen of the Zoological Park are doing entirely different service. These are simply the watchmen in the park, and we by law provided that they might have police powers in order to assist in the performance of their duties.

Mr. POMERENE. But it is not a different duty. They are clothed with police powers. On Sundays there are at times 30,000 or 40,000 or 50,000 visitors at the Zoological Park. They have to look after those people and see that no depredations are committed, and so forth, and now, while all the other policemen get their increase, to say to these 10 men that, because the department has neglected to make an estimate and ask for the increase, you are going to invoke the letter of the rule against them, is not fair, is not just, and there is no justification that can be made for it.

Mr. WARREN. I make the point of order.

Mr. STERLING. Mr. President—

The PRESIDING OFFICER (Mr. JONES of New Mexico in the chair). Does the Senator yield the floor or does he yield to the Senator from South Dakota?

Mr. WARREN. I desire a ruling of the Chair on the point of order.

Mr. STERLING. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STERLING. The parliamentary inquiry is this: What constitutes an estimate of a department? What form, if any particular form, must the estimate take? Must the estimate be found in the Book of Estimates or may it be made through a letter addressed to the committee having the particular appropriation bill in charge, in which is stated what is needed and in detail what is required for the particular department or bureau or branch of the department?

I am impelled to ask the question because of the frequent reference by the chairman of the committee to the fact that an appropriation asked for by way of amendment has not been estimated for. Since I offered an amendment this morning increasing an appropriation I have been handed a copy of a letter written on the 12th day of May to the Committee on Appropriations, in which the exact amount asked for by the amendment proposed by me is estimated for by the Secretary of the Treasury.

Mr. WARREN. It is the law. An estimate is an official document signed and forwarded here by the Secretary of the Treasury to the Vice President and to the Speaker of the House. There are regular forms for estimates and a regular way for them to come here, and the committee is bound under the law to consider them as estimates. We can not extend the line to letters of various men in this department or the other because various employees are continually writing to the committee, and we can not obey the law and our rules and entertain all of those things.

This matter of salary is, of course, one that is very wrong. No one knows it better than the distinguished Senator who now occupies the chair. But if the attempt is made now, in view of this, to pick up, as each Senator thinks best, some particular number of employees and increase their salaries while the balance are left uncovered and uncared for, and if we are going to proceed in that line, what is the use of having any reclassification, and what is the use of expecting anything from that? How can we expect Congress to undertake, immediately after the fading away of this rush of business, to get into the reclassification work if we have been forestalled already by legislation on appropriation bills and otherwise?

Mr. STERLING. Permit me to submit this question to the Senator.

Mr. WARREN. Mr. President, I make the point of order.

The PRESIDING OFFICER. The point of order is made and the present occupant of the chair believes it is quite clear that the point of order should be sustained.

Mr. STERLING. I have not proposed anything to which a point of order might be made. I made this parliamentary inquiry. If the Chair desires to rule on the point of order made against the amendment offered by the Senator from Ohio [Mr. POMERENE], I have no objection, but I should like to say a word further in regard to the question I have propounded.

The PRESIDING OFFICER. The Chair will state that the ruling, of course, applied only to the amendment proposed by the Senator from Ohio, but if the Senator from South Dakota desires an expression from the present occupant of the chair as to what is an estimate, the Chair has no hesitancy in stating his opinion about it.

The Chair understands that an estimate as contemplated by the rules is an estimate which comes to the Congress officially through the Secretary of the Treasury. The understanding of the Chair also is that it is addressed to the Presiding Officer of the Senate, in the event it comes to this body, and is handed down and referred to the appropriate committee.

Mr. STERLING. May I make this suggestion? It just occurred to me in connection with the remarks of the Chair. Suppose there has been an error in the original estimate handed down in the method suggested by the Chair. Can not a new estimate be made and submitted to the committee?

The PRESIDING OFFICER. Unquestionably there could be a new estimate or a modification of an estimate. The Chair is advised that that occurred only a few days ago.

Mr. STERLING. I have a case of that kind in hand.

Mr. MYERS. Mr. President, has the matter been disposed of?

Mr. BORAH. Will the Senator allow me to say just a word before the matter is passed?

Mr. MYERS. Certainly; I yield.

Mr. BORAH. I wish to ask the chairman of the Committee on Appropriations if there is another appropriation bill coming along?

Mr. WARREN. I am informed that the House is working on another appropriation bill, which is probably 100 to 200 pages in length, and which, I presume, will be reported to the House to-morrow or the next day. It may come to the Senate Satur-

day of this week or the first of next week. It is the general deficiency bill.

Mr. BORAH. I understand this estimate may be on the way, and I take it that if the estimate comes here it could be properly attached to that appropriation bill.

Mr. WARREN. It properly belongs, of course, to the legislative appropriation bill, and so long as it did not get on the legislative bill, it does not matter so much to what bill, if any, it might be attached.

Mr. BORAH. It can go on any bill if we have votes enough to get it on and if we get by a point of order. I only wish to say in passing that I made the inquiry concerning this disparagement with reference to the park men while the legislative appropriation bill was pending. As I understood it at that time, it was to go on this bill, although I do not say that the chairman of the committee misled me, or anything of that kind, but it was my ignorance upon the subject. However, I understood it was to go on this bill.

Mr. WARREN. If the Senator will allow me, I will explain that.

Mr. BORAH. Certainly.

Mr. WARREN. We assumed that whatever was done would, of course, be taken up by the Smithsonian Institution and that they would ask for the funds and carry it out accordingly. We still must calculate that they are going to pay these men, if we provide for it, out of the lump sum given that institution. As the Senator says, it can better be provided for in the next bill than in this bill.

Mr. BORAH. Very well. I only wish to say that of course these men ought to be taken care of the same as the other men have been taken care of. I have no doubt the Senator from Ohio [Mr. POMERENE] will have the estimate by that time, and I think we will be able to get by the point of order.

Mr. WARREN. I hope neither Senator thinks it is anything personal on my part.

Mr. BORAH. Oh, certainly not.

Mr. FRANCE. Mr. President, I desire to offer an amendment.

The PRESIDING OFFICER. Does the Senator from Montana yield to the Senator from Maryland?

Mr. MYERS. Certainly.

The PRESIDING OFFICER. The amendment will be stated.

Mr. FRANCE. I shall not discuss it at this time, as it speaks for itself.

The PRESIDING OFFICER. The amendment will be read.

The READING CLERK. Add at the proper place in the bill as a new section the following:

SEC. —. As used in this section the term "place of public accommodation" includes any hotel, apartment hotel, railroad terminal, restaurant, theater, or other place of public amusement in the District.

No person who maintains a place of public accommodation shall in any manner, directly or indirectly, authorize any common or private motor-vehicle carrier of passengers for hire to use any portion of the public highway fronting the premises of such place of public accommodation or to gain access either upon the public highway or private property to the entrances or exits of such place of public accommodation in such manner as will prevent any other such carrier from having an equal and reasonable opportunity to offer and afford his services as a carrier to the patrons of such place of public accommodation, nor shall any such carrier make use of the public highway or any private property in any such manner. Any person who maintains a place of public accommodation or any carrier who violates any provision of this section or any regulation issued thereunder shall be liable to a fine of \$100 a day for each vehicle in respect to which such violation occurs, and each day or fraction thereof during which such offense continues shall constitute a separate violation in respect to such vehicle.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$10,000 to enforce the regulation by the police department of the District of Columbia.

Mr. WARREN. Mr. President, the matter just read is legislation pure and simple. It was introduced and sent to the Committee on Appropriations some weeks ago, and that committee reported it back and asked to be discharged from further consideration of it and suggested that it be sent to the Committee on the District of Columbia. Of course, I shall make the point of order on it here. It has no place on an appropriation bill. It is legislation.

The PRESIDING OFFICER. The point of order is sustained.

Mr. MYERS. Mr. President, I offer an amendment to be added to the bill as a new section. This amendment, as a bill, has passed the Senate at this session of Congress, and I believe that makes it eligible to go on this bill as an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The READING CLERK. Add as a new section to the bill the following:

SEC. —. That there is hereby appropriated, out of any moneys in the Treasury of the United States not otherwise appropriated, the sum of \$9,819 to and for Katherine Macdonald, of Butte, Mont., for and on account of unpaid claims held by her on account of work and services

performed on or supplies furnished for the construction of the Corbett Tunnel, a part of the Shoshone reclamation project in the State of Wyoming.

Mr. WARREN. The rule is so insistent that the chairman of the Committee on Appropriations is compelled and is in duty bound, in observance of the rules and the law, to reject claims on an appropriation bill. I have voted for the measure otherwise. I would do so again, but I must make a point of order against it now, that it is a claim and must be excluded from general appropriation bills.

Mr. MYERS. What is the ground of the point of order? What is the basis of it? I did not hear distinctly.

The PRESIDING OFFICER. The point of order is that it is a private claim on a general appropriation bill.

Mr. MYERS. I wish to be heard on that.

The PRESIDING OFFICER. The Chair will be glad to hear from the Senator.

Mr. MYERS. Of course, I realize the point of order is made under subdivision 4 of Rule XVI of the standing rules of the Senate, which says:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

I contend that this is not a claim against the Government. What is a private claim? A claim is something upon which an action at law might be founded between private individuals. It is a contention or demand of a right, capable of supporting an action at law for its enforcement, as between individuals.

If it is against the Government, however, the claimant is debarred from suing the Government and has to go to Congress and ask for an appropriation. There may be a claim against the Government, but the Government can not be sued without its consent.

If John Jones owes me \$100 on an obligation, that is a claim, and I can go into a court of law and bring an action against John Jones and recover. If I am wrongfully assaulted by a party and injured, I have a claim against that party which I can enforce at law. If I am working for an employer and am injured through the negligence of that employer, I have a claim against him for which I may sue and recover. Therefore, if any of those conditions should arise in behalf of an individual and against the Government, the individual would have a claim against the Government—that is what I would call a claim against the Government—but the individual could not go into court and enforce that claim without the consent of Congress, because one can not sue the Government without the consent of the Government. Congress must either authorize an action to be brought before the Court of Claims or some other court of competent jurisdiction or Congress must make an appropriation outright.

If a man has a contract with the Government, and performs his part of the contract, and the contract price is not paid in full by the Government, then such an individual has a claim against the Government; and to get what is due him he must have a bill introduced in his behalf in Congress, and the bill must go to the Committee on Claims; it can not be put on an appropriation bill. If an individual is in the employ of the Government and is injured through the negligence of the Government or its agents, he has a claim against the Government, upon which he may recover by having a bill introduced in Congress and having it referred to the Committee on Claims. That is a claim. It is a claim against the Government because it would be a claim capable of enforcement at law if due from another individual or a corporation.

This, however, is not a claim. The history of the bills to reimburse Mrs. Macdonald, which have many times passed the Senate, even as late as the present session of Congress, shows that this is not a claim. None of those bills ever went to the Senate Committee on Claims. They were sent to the Committee on Public Lands or the Committee on Irrigation and Reclamation of Arid Lands. The reports of the committees that have acted on the bills show that this is not a claim; the reports of the Secretary of the Interior made on the various bills show that this is not a claim. It has never been considered as a claim. The last report of the Secretary of the Interior made on the last bill to reimburse Mrs. Macdonald, when it had been introduced and referred to the Senate Committee on Public Lands and by that committee referred to the Secretary of the Interior, shows that the bill is not a claim.

I have not that report with me, but it was read to the committee. I can get it and read it if any Senator desires to hear it. The Secretary of the Interior in that report, in effect, says that Mrs. Macdonald has no claim against the Government for any money, but that if appropriated it will be only



a gratuity, the discharge of a moral obligation which Congress may pay if Congress sees fit. He makes it plain that Mrs. Macdonald has no claim on the Government, but that if Congress wants to be generous and vote Mrs. Macdonald a gratuity he has no objection to Congress doing so. He puts it clearly in the light that Mrs. Macdonald has no claim against the Government for any sum of money; but, in effect, says as to Congress being generous and voting as a gratuity to Mrs. Macdonald the sum of money asked for, he leaves that to the wisdom of Congress.

There is a precedent for making by amendment to a general appropriation bill such an appropriation as I am seeking to make by this amendment. In the act making appropriations to supply deficiencies in appropriations for the fiscal year ending June 30, 1917, and prior years, and for other purposes—a general deficiency bill which passed Congress and became a law, the law print of which I hold in my hand—at the top of page 20 is this item:

For an amount supplemental and additional to the amount heretofore appropriated to pay the certified claims on account of labor, supplies, material furnished and used in the construction of the Corbett Tunnel and spillway, \$3,556.96.

That item was offered as an amendment to that appropriation bill on the floor of the House of Representatives. I have taken the pains to look into the history of it. It was not reported out of the Appropriations Committee of the House, but was offered as an amendment at the last minute, when the bill was under consideration, by Mr. MONDELL, of Wyoming, on the floor of the House, and was adopted by the House.

Of course, I do not know whether or not a point of order was made against it in the House, but it came to the Senate, was concurred in by the Senate, and the money was appropriated under a provision which started as an amendment on the floor of the House to an appropriation bill. I think, the sum of \$3,556.96 having been appropriated to other parties on account of the same transaction and having gone through on an appropriation bill, that we should examine very closely the amendment. I have proposed to ascertain whether it ought to be ruled out on a point of order. I repeat, my contention is that it is not a claim. The amendment simply calls for a gratuitous appropriation which could not be enforced if the transaction were between individuals.

Furthermore, under subdivision 1 of Rule XVI, it is provided:

And no amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

That is, no amendment may be received to an appropriation bill increasing the amount appropriated for any purpose or adding a new item, unless it be made to carry out the provisions of some existing law or treaty or of an act or resolution previously passed by the Senate during that session. That provision is in the disjunctive; and an exception may be made in any one of those cases. The amendment I have offered comes under one of those exceptions, for the same subject matter has been previously passed by the Senate at this session in the form of a bill. A bill in the exact language of this amendment was introduced in this Congress by me, and it unanimously passed the Senate, heretofore, at this session. Clearly that makes it proper to put it on an appropriation bill as an amendment.

I hold that the two subdivisions of Rule XVI to which I have referred must be considered in *pari materia*; they must be considered together. If my amendment is permissible under either, it is not subject to a point of order.

The PRESIDING OFFICER. Does the Chair understand the Senator from Montana to maintain that the amendment has heretofore been passed by the Senate as a separate measure at this session of Congress?

Mr. MYERS. It has. It passed as a separate bill at this session of this Congress and is now in the House awaiting action, but, owing to the difficulty of securing the consideration of bills there, I fear it will never pass the House. It has passed the Senate several times heretofore, but has never passed the House. Its only chance, I think, is as an amendment such as I now offer.

Mr. CHAMBERLAIN. Mr. President, may I interrupt the Senator?

Mr. MYERS. I yield with pleasure.

Mr. CHAMBERLAIN. I will ask the Senator if the money proposed to be appropriated by his bill and likewise by the amendment he now offers was earned by work on a reclamation project near Billings, Mont.?

Mr. MYERS. Yes; the project is in the State of Wyoming, near Billings, Mont.

Mr. CHAMBERLAIN. It seems to me that a bill in reference to the matter has been before committees of the Senate for the last six or eight years, and every committee has reported upon it favorably, and it has passed the Senate two or three times.

Mr. MYERS. That is true.

Mr. CHAMBERLAIN. The woman ought to be paid. I do not know whether the pending bill is the proper place to attach the amendment, but the amount ought to be paid.

My experience, I will say to the Senator, is that whenever there is presented here a bill against the Government which ought to be paid and an amendment is offered to provide for its payment to some bill pending, the proponent of the amendment is always referred to another bill, but when that other bill comes up that also is the wrong bill, with the result that the Government does not pay its debts. I was a member of the committee when this matter was considered and investigated a number of times, and the failure on the part of the Government to pay the bill, as I understand, has practically broken up this poor woman.

Mr. MYERS. That is true.

Mr. CHAMBERLAIN. She has been here session after session, and there ought to be some way to secure provision for her payment on this bill, if there is no other place to provide for it.

Mr. MYERS. Mr. President, I am satisfied there is no other place or way; that is, now or never. I realize, of course, that it is the right of the chairman of the committee and perhaps even his duty to make points of order against proposed amendments; but I am discussing this matter purely as a legal proposition, as a matter of parliamentary law, and I contend that the point of order is not well taken. I think clearly it should be overruled.

I will ask Col. Halsey or some of the employees of the Secretary's office to go to the Secretary's office and procure for me a copy of the bill for the relief of Mrs. Macdonald which passed the Senate at this session, together with the report of the Secretary of the Interior on that bill, directed to the chairman of the Senate Committee on Public Lands, for I should like to read that report to the Chair. Clearly, to my mind, the Secretary of the Interior in that report takes the ground that this is not a claim against the Government; that Mrs. Macdonald has no claim against the Government, and is not entitled to any money by right of any claim; but that, if Congress wants to be generous and appropriate money as a gratuity to Mrs. Macdonald, he has no objection.

That is the light in which the bill has always been before the Senate, has always been reported out from the committee, and has always been reported upon by the Secretary of the Interior. I contend that this amendment does not call for payment of a claim, but that it merely seeks to make an appropriation as a gratuity in order that the ends of justice may be subserved.

Reverting to what I said a while ago, I believe that a claim must involve some contention of right which, if it existed between two individuals, could be enforced in a court of law, such as a claim for the payment of money on a contract, for the payment of money for services, for the payment of money due on a promissory note, for damages growing out of personal injuries. Demands for such payments are claims. A claim is a right which may be maintained in a court of law between individuals, but which can not be maintained against the Government, because the Government can not be sued. A claim is a demand for something due and unpaid, whether owing by the Government or an individual or corporation.

If this were such a case, if Mrs. Macdonald had a contract with the Government and had performed her part of the contract, and the Government had failed to pay her and still owed her \$9,000 on the contract, the point of order made by the chairman of the committee would be well taken and should be sustained; or if Mrs. Macdonald had been an employee of the Government and had been injured through the negligence of the Government, and if she were making a demand for compensation for personal injuries, then the point of order made by the chairman of the committee would be well taken. Those would be claims, but this is not such a case. Nobody claims there is anything due Mrs. Macdonald from the Government. This amendment only provides for a voluntary appropriation of money to Mrs. Macdonald as a simple act of justice—not money due her. She has no claim against the Government.

I now have the letter of the Secretary of the Interior written in regard to the bill which passed the Senate at this session for the relief of Mrs. Macdonald, kindly handed me by Col.

Halsey. The letter, signed by the Hon. F. K. Lane, Secretary of the Interior, and addressed to Hon. REED SMOOT, chairman of the Committee on Public Lands, United States Senate, is as follows:

DEPARTMENT OF THE INTERIOR,  
Washington, October 24, 1919.

MY DEAR SENATOR: By reference of your committee, dated October 8, 1919, receipt is acknowledged of copy of S. 3102, Sixty-fifth Congress, first session, for the relief of Katherine Macdonald. Your committee asks for such suggestions as this department may see fit to offer.

Under Public Resolution No. 56, approved August 24, 1912, the sum of \$42,000 was appropriated for payment to those persons who have and hold, and who have presented or may present, claims remaining unpaid on account of labor, supplies, materials, or cash furnished to the contractor or the subcontractor and used in the construction of the Corbett Tunnel, as a part of the Shoshone irrigation project, in the State of Wyoming. Under the express authority contained in Public Resolution No. 56, this office made a careful investigation to determine all valid outstanding claims against the contractor or subcontractor, and in the course of such efforts resorted to the fullest possible publicity in securing direct evidence and testimony from the holders of all such claims. It is noted that the bill now pending contains provision for the appropriation of the sum of \$9,819 for and on account of unpaid claims held by Mrs. Katherine Macdonald, of Butte, Mont., on account of work and services performed on or supplies furnished for the construction of the Corbett Tunnel, a part of the Shoshone reclamation project in the State of Wyoming.

During the negotiations looking toward settlement of claims under Public Resolution No. 56 of August 24, 1912, Mrs. Macdonald appeared at frequent intervals and was kept fully advised of the progress of settlement under the claims in question. She held power of attorney from a number of the claimants and held assignments for collection from a number of others. Certain rights and interests owned by Mrs. Macdonald in connection with certain of these claims were submitted to the department, and after careful investigation were by this department certified with the other claims to the Secretary of the Treasury and were paid from the fund provided by said resolution.

The present bill proposes to appropriate, from any moneys in the Treasury not otherwise appropriated, the sum mentioned for Mrs. Macdonald. Inasmuch as this department has completed the settlement of claims under the appropriation made by Public Resolution No. 56, and as the present bill makes no appropriation out of the reclamation fund chargeable to the water users, but, as indicated, proposes an appropriation out of general funds in the Treasury, I do not feel that this department should express an opinion as to whether or not payment should be made, the matter being one wholly for the consideration and determination of Congress.

This letter uses the word "claims" all the way through, and so does this amendment use the word "claims"; but those claims were claims of individuals against the contractor who took a contract from the Government to construct the Corbett Tunnel. They were claims against the contractor and in no sense could they be construed as claims against the Government. They had no legal or equitable ground upon which to stand as claims against the United States—not a shadow of ground. They were claims against a contractor who failed and did not pay his debts, and Congress, only out of its generosity and a sense of justice, appropriated money to pay a part of these claims—not claims against the Government but claims against the contractor. They were claims against him and not against the Government in any sense.

The Secretary of the Interior refers to paying claims under prior appropriations authorized by Congress. They were claims against this contractor, who defaulted and failed because he took the contract too cheaply, leaving his workmen unpaid. They were not claims against the Government at all, but they were claims against this contractor, which Congress, by act of Congress, directed the Secretary of the Interior to approve and have paid by the Treasurer of the United States.

So I claim that this is not a private claim against the Government at all. It is simply a question of fairness and generosity on the part of the Government as to whether or not it wants to appropriate this money to Mrs. Macdonald. She has no claim upon the Government in the sense of a claim at all; and considering this amendment in conjunction with subdivision 1 of Rule XVI, which says that an amendment may be added to an appropriation bill if it has been passed as an act or resolution by the Senate previously during the same session, which is true of this amendment, I claim that clearly within lines of reasonable construction this is not a claim against the Government and should not be so considered. No bill embodying the same proposed appropriation has ever gone to the Committee on Claims, and I think undoubtedly the point of order made by the chairman of the committee should be overruled.

The PRESIDING OFFICER (Mr. Jones of New Mexico in the chair). The Chair is unable to conceive of a case where the Congress of the United States would make an appropriation to any individual unless that individual had some claim against the Government, either legal or equitable. It is true that the Senator from Montana has clearly drawn the distinction between a claim in one sense of the word and a claim in another; but it certainly would seem that this rule was prepared to embrace all claims, whether legal or equitable—anything for which an appropriation of money is to be made in pursuance of the

bounty of the Government for any supposed claim upon it, or any matter growing out of equitable consideration of a situation which may exist.

Mr. MYERS. Mr. President, may I make a remark at that juncture?

The PRESIDING OFFICER. The Chair will be very glad to hear the Senator.

Mr. MYERS. Suppose that a former President of the United States should die, and Congress should vote a pension to the widow of that former President, as it has done a number of times, would that be done in pursuance of a claim against the Government of the United States, or would it be a gratuity, an act of generosity, on the part of the Government? And if it is a claim, what is it a claim for? Will the Chair tell me that?

The PRESIDING OFFICER. The Chair would feel that a case of that sort would present a very strong claim against the Government—not any legal, binding obligation, but in the same way we appropriate something to the widows of Senators who die.

Mr. MYERS. That is not a claim. May I ask whether that is any claim against the Government?

The PRESIDING OFFICER. It is a claim at least upon the generosity of the Government.

Mr. MYERS. Suppose the widow never asks for it, never asks for the introduction of any bill, or some Senator introduces a bill voluntarily without consulting the widow?

The PRESIDING OFFICER. The Chair does not believe that in any of those cases a bill ever is introduced for such a claim.

Mr. MYERS. I think the bill to pay the widow of a Senator one year's salary is put in every time without consulting the widow. I think it is done just as a matter of courtesy, as a matter of course, as a matter of fact. I do not think any claim is ever made for it.

The PRESIDING OFFICER. The Chair fully appreciates the point of view of the Senator; but if it is not classified as a claim, the Chair is unable to understand upon what principle the appropriation should be made at all. The Chair may say that he is in thorough sympathy with this payment. He happens to recall something about the merits of the case, and believes that this claimant has a very strong claim upon the generosity and the equitable treatment of this Government; but he does believe that the matter is a claim in the sense that that word is used in this rule.

That, however, does not dispose of the amendment offered by the Senator; and the Chair was going to refer to the other point made by the Senator.

Even though this be a claim, yet under the latter part of paragraph 1 of Rule XVI there are exceptions made; and the exceptions are—

Unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session; or unless—

And so forth. Now, the Chair would like to hear the Senator from Wyoming on the point that has been suggested, namely, even though it be conceded that this is a claim within the provisions of section 4 of that rule, whether or not the exception under section 1 would take it without the rule, and make the proposed amendment in order.

The Chair is unable to find any precedent upon the point; and it would seem that the course of business in the Senate has been against the contention that it would be admissible under this part of the rule, because there are a number of claims which have been passed at this session of Congress, and if the Chair were to hold that they are in order by virtue of this provision of the rule it would undoubtedly result in putting upon this bill a very large number of claims which usually come from the Committee on Claims.

The Chair would like to hear from the Senator from Wyoming on the point of order.

Mr. WARREN. Mr. President, I have no object at all in this matter except to do my duty, and if the Chair thinks this rule does not apply that is for him to decide. I should hate to see a precedent made by deciding that a claim that has passed the Senate could be put on an appropriation bill, because there are now probably hundreds—I do not like to say thousands, but certainly hundreds—that have passed the Senate that have not passed the House, and of course when the next appropriation bill came up they naturally would be offered, and it would be rather difficult to get around the ruling of the Chair.

The PRESIDING OFFICER. The Chair would like to inquire if any Senator happens to recall any precedent upon this question?

Mr. ROBINSON. Mr. President, I have not devoted especial study to the subject, but I think paragraph 4 of the rule is applicable. While I should like very much to see the claim pre-



sented by the Senator from Montana paid—and I think the Chair is correct in ruling that it is a claim—I think paragraph 4 governs the matter, and that in the case of a private claim presented as an amendment to a general appropriation bill the claim must have passed both Houses of Congress rather than one House of Congress; and I think there is a good reason for the rule, although I regret to see it invoked in this particular case.

Mr. MYERS. Mr. President, I must take issue with the observation of the Senator from Arkansas to the effect that the rule requires that the claim must have passed both Houses of Congress. If it had passed both Houses of Congress, it would only need the President's signature to become a law. That would make it a law.

Mr. ROBINSON. If the Senator will yield to me, I can make my position in the matter very clear in a few more words.

Paragraph 4 of Rule XVI, the rule admittedly applicable to this case, is as follows:

No amendment, the object of which is to provide for a private claim, shall be received to any general appropriation bill, unless it be to carry out the provisions of an existing law or a treaty stipulation, which shall be cited on the face of the amendment.

If the Chair's ruling is correct that this is a private claim—and I am bound to say that I concur in the conclusion which the Chair has announced respecting that feature of the controversy—then clause 4 governs the matter and not clause 1, because clause 4 expressly provides that an amendment which is designed to provide for a private claim shall not be received to a general appropriation bill unless it is justified by existing law. Clause 1 relates to amendments generally, and is as follows:

No amendment shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

Clause 4 governs the amendment, when it presents a private claim, and the sole question, in my judgment, is whether the amendment offered by the Senator from Montana is a private claim, and I have said that I think the Chair has ruled correctly on that.

Mr. MYERS. Mr. President, I will close with this observation, that the two subdivisions of the rule are seemingly contradictory. There is no doubt about that. They are apparently, at least, in conflict, and the latter subdivision, No. 4, is a general provision, while subdivision 1 treats of exceptions to the general rule; and as this is a statute, so far as this body is concerned, governing its proceedings, I believe the rule in construing statutes would apply here. It is an accepted rule of law that where a general rule is laid down and exceptions are made in the same statute the exceptions must govern in matters to which they may apply. I believe that is a generally accepted canon of construction of statutory law, adopted and upheld by the courts of the land, and if that is the case, then I believe the exception of subdivision 1 should prevail over the general rule laid down in subdivision 4. The latter subdivision says an amendment for a private claim shall never go on an appropriation bill—it is general—but subdivision 1 says in certain exceptional cases it may. This is one of them.

Mr. ROBINSON. Mr. President, I do not want to prolong the controversy unduly, but as long as the Chair has invited the expression of opinion—

The PRESIDING OFFICER. The Chair is very glad to hear the opinions of Senators.

Mr. ROBINSON. I want to say that I think the reverse is the case, that the general rule is laid down in section 1, and it is as follows:

No amendments shall be received to any general appropriation bill—  
That includes all amendments—

the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation.

This would come under that, if it were not for the specific exception relating to private claims contained in section 4, so that the very rule of construction which the Senator from Montana [Mr. Myers] has invoked, in my judgment, governs the case against him. In other words, it is equivalent to saying that no amendment which constitutes a new item of appropriation shall be received to a general appropriation bill unless "to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session"; and as to a certain class of amendments, namely, the specific class of private claims, that class of amendments shall not be received unless it is to carry out existing law.

Mr. MYERS. I submit the matter to the Chair by saying that it occurs to me that it is a sweeping provision in subdivision 4 that no private claim at all shall be adopted as an

amendment to an appropriation bill. On the other hand, in subdivision 1 there are ways of getting any amendment on an appropriation bill, be it for a claim or anything else, and if this amendment comes under one of those ways I believe that it would be proper to adopt it. I believe it does come under one of the exceptions. As to the objection that this would set a precedent and that all bills for claims, if this be a claim, which pass the Senate at a given session would be put on appropriation bills, what if they should be? They have passed the Senate once. Why not again? This appropriation has passed the Senate once this session as a bill. Why not again? What would the harm be? I submit the point of order should be overruled.

The PRESIDING OFFICER. The Chair feels that the provision in section 1 of the rule is general and would include, except for something else, all amendments designed to carry out the legislation of the Senate during the session at which the amendment was offered. If there were no other provision in this rule, then unquestionably this amendment would be in order. But it would seem that section 4 of the rule was passed for the specific purpose of taking care of all claims and preventing individual claims which might be presented by numerous Senators from going on a general appropriation bill, for it is not presumed that the general Appropriations Committee would have the proper opportunity to give consideration to these various claims on their merits. The Chair therefore will rule that the amendment is not in order.

Mr. MYERS. Mr. President, with due respect to the Chair, I appeal from the ruling of the Chair and ask that it be submitted to the Senate.

The PRESIDING OFFICER. The Senator from Montana appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand as the judgment of the Senate? I am very glad the Senator has appealed, the Chair will state, so that we may get the judgment of the Senate on the point. [Putting the question.] The ayes have it, and the decision of the Chair is sustained.

Mr. CALDER. Mr. President—

Mr. WARREN. We passed over section 5, and I wish to dispose of that now, if there is no objection to it.

Mr. CALDER. I will yield to the Senator from Wyoming.

Mr. WARREN. I ask unanimous consent that the Senate take up the consideration of section 5, on page 192.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Secretary will state the amendment.

The ASSISTANT SECRETARY. Page 192, insert section 5, which was passed over, having been read.

The PRESIDING OFFICER. The question is on the committee amendment.

Mr. KING. Let it be reported.

Mr. WARREN. It has been read, I will say to the Senator; unless he wishes it read again. It is the railroad provision, which provides, although there is considerable language, simply that the time may be extended from 5 to 15 years, at 6 per cent interest, those amounts to be paid in installments, and this is for the purpose of aiding those roads to do as all, or nearly all, great corporations in building railroads have done, to order needed equipment, to pay some cash for it, to put a mortgage deed on it, deed it to some trustee, and of course each car is placarded with a label showing that that particular property is subject to the mortgage, to the trust.

Mr. KING. Will the Senator yield?

Mr. WARREN. The Senator from Utah has undoubtedly seen those placards on the engines and cars of the Pacific roads, in the early days, when they were building.

Mr. KING. I was not here when this matter was taken up by the Senate and am not familiar with the terms of this amendment. Wherein does it differ from the existing law?

Mr. WARREN. Practically only in what I have stated. Of course, if the Senator wishes it read—

Mr. KING. I will not ask for that.

Mr. WARREN. I will say to the Senator that the matter has had very careful consideration by both committees having it under consideration, and their members decided unanimously on it, as I understand, and have asked the Appropriations Committee to include it in this bill. This is to enable the roads to take care of the transportation of the country, which is now tremendously congested, as the Senator knows, and it seems to be a measure which is absolutely necessary if we wish to do what we have agreed to do in former legislation.

Mr. KING. What I am trying to get at is whether it diminishes the value of any of the securities which the Government now holds, or increases any obligation of the Government.

Mr. WARREN. Not at all.

Mr. ROBINSON. Mr. President, if the Senator will permit me, while I was not a member of the subcommittee which prepared this provision, and have not had an opportunity of familiarizing myself definitely with its details, the amendment is quite important and is believed to be indispensable to the successful operation of the railroads in the early future, and I think that it does change the transportation act of 1920 in respect to securities for loans.

The Senator from Wyoming [Mr. WARREN] is correct in saying that the time for paying certain obligations due the Government from the railroads is extended from 5 to 15 years, and about that provision I think there could be no dispute.

There is another feature of it, however, which relates indirectly to the question asked by the Senator from Utah [Mr. KING]. The transportation act of 1920 carried an appropriation of \$300,000,000 to be used as a revolving fund, and a part of this fund might be used in new loans to railroads.

The transportation act of 1920, however, required that adequate security should be taken by the Government authorities before making a loan, and that requirement nullified the beneficial provisions, in large part, of the revolving fund, in so far as it related to loans, for the simple reason that the roads which need the loans most are unable to secure first-class security. So that this provision modifies that, and allows reasonable discretion in the Government authorities making the loan, where the loan is indispensable to the continuance of the operation of the railroad. I think it is a very wise and necessary provision, although it does relax the rule prescribed in the transportation act relating to securities in cases of these loans.

Mr. KELLOGG. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Minnesota?

Mr. ROBINSON. I yield to the Senator.

Mr. KELLOGG. The provision which the committee recommended as to changing the funding act was dropped out, and was not placed in the bill. The only change in this bill is as to section 210 of the railroad act, which made an appropriation of \$300,000,000 to be loaned to railroads.

Mr. ROBINSON. Will the Senator yield to me just a moment to make a statement?

Mr. KELLOGG. Certainly.

Mr. ROBINSON. I assumed that the provision in the bill was a provision recommended by the Interstate Commerce Committee. The Senator from Minnesota has called my attention to the fact that that feature of the provision recommended by the Interstate Commerce Committee extending the time for refunding from 5 to 15 years in certain cases was not incorporated in this provision by the Appropriations Committee, and I thank him for the suggestion. This provision, in so far as it relates to an extension of time, applies only to new loans and not to refunding old loans.

Mr. KELLOGG. There were two changes recommended by the Committee on Interstate Commerce. One was as to the funding plan, and the other was as to the loan plan; and the Senator is correct in saying that the funding plan was dropped out of this bill entirely. The loan plan it was found was impracticable, and the only change made is to extend the time of the loans from 5 to 15 years. It was found impossible to make equipment trusts for 5 years, because the roads are required to pay an equal part not only of the principal but the interest in each year, and on the loan provision we recommended unanimously that the time of the loan be authorized to be extended from 5 to 15 years.

There was one other change which the Senator from Arkansas has mentioned, and that was that we provided in this bill that the loans were only to be made to railroads unable to provide themselves with the funds necessary for the aforesaid purposes. Instead of allowing the fund to be used to all railroads, it was only to those roads which could not otherwise secure money.

Those are the principal changes. There is one change, that the recommendations and orders of the Interstate Commerce Commission shall control, and there will not be divided authority between the Treasury Department and the Interstate Commerce Commission. Those are the only important changes in the law. It was unanimously recommended by the Interstate Commerce Committee, after a long hearing of committees from all over the United States, farmers, shippers, and chambers of commerce, urging that not only these changes be made but that additional appropriations be made. We declined to recommend an additional appropriation.

The PRESIDING OFFICER. The question is on the committee amendment.

The amendment was agreed to.

Mr. CALDER. Mr. President, I offer the amendment which I send to the desk.

The PRESIDING OFFICER. The Secretary will state the amendment.

The ASSISTANT SECRETARY. On page 3, after line 11, add the following:

The Postmaster General is hereby authorized to acquire by purchase, condemnation, or otherwise a site with railroad trackage in the city of New York, N. Y., and have prepared plans and specifications for the erection thereon under a contract or contracts of a reinforced concrete and glass commercial type fireproof building, together with driveways and approaches, to contain approximately 350,000 square feet of floor space, for use as a foreign branch station and other postal purposes; and for the purchase of site, preparation of plans and specifications and construction of building, including necessary furniture, equipment, and mail-handling apparatus, the sum of \$6,000,000 is hereby appropriated and so much as may be necessary is hereby made immediately available.

Mr. WARREN. Mr. President—

Mr. CALDER. I desire to explain the amendment, if the Senator will yield.

Mr. WARREN. I will yield for that purpose, though I shall have to make a point of order against the amendment.

Mr. CALDER. Mr. President, this amendment, if agreed to, will appropriate \$6,000,000 for the construction of a foreign branch station at the post office in New York City.

Senators may perhaps believe this is something for New York. It is for the Nation. New York City is the clearing house for practically all foreign mail going to and from this country. Ninety per cent of the foreign mail leaving this country passes through the New York post office. During the past year the post-office business of New York City has increased 37 per cent. Foreign post-office business passing through New York City has increased from 76,357,083 packages in 1901 to 272,859,244 packages in 1919, an increase in 18 years of 257 per cent.

Mr. President, unless some additional facilities are provided for the handling of our foreign mail the whole foreign post-office business of the Nation will break down. Recently in conversation with the Postmaster General he informed me that unless this money was appropriated he would have to go out and rent a building in the city of New York, which would cost him not less than \$500,000 annually. So unless favorable action on this amendment is taken, unusual as this is, we must make a lease that will cost the Government a sum equal to 4 per cent on an investment of \$12,500,000.

In connection with this matter I ask unanimous consent to print in the RECORD the letter addressed to me by the Postmaster General concerning this subject. While I know the amendment is subject to a point of order, I am hopeful that Senators will understand the Nation-wide importance of it and that no point of order will be made and the Senate given the opportunity of voting for the project. If the vote is permitted, I am sure it will be agreed to.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

MAY 12, 1920.

HON. WILLIAM M. CALDER,  
United States Senate.

MY DEAR SENATOR CALDER: Practically every postal station of the New York office occupying quarters leased prior to January 1, 1916, is in urgent need of additional space, and in some cases it is only with the greatest difficulty that business is being transacted in the accommodations available. This is especially true of the foreign-branch station, where the lease on the quarters will expire October 8, 1920.

The general post-office quarters in the building adjoining the Pennsylvania Railroad Station, on Eighth Avenue between Thirty-third and Thirty-fourth Streets, are very much overcrowded. It is the desire of the department to secure, if possible, a building that will provide for the foreign-branch station and at the same time relieve the general post office by transfer of certain work now being done there.

Statistics show there has been a steady increase in the growth of the Postal Service in New York City during the past decade, but the increase in volume of business during the first 10 months of the fiscal year 1920 has been phenomenal. The receipts by fiscal years at New York from 1910 to 1919, both years inclusive, together with the percentage of increase, are as follows:

Year.	Receipts.	Per cent increase over previous year.
1910.....	\$22,339,621.23	12.0
1911.....	23,907,406.10	7.0
1912.....	24,756,107.41	3.5
1913.....	27,712,278.01	12.0
1914.....	30,464,065.12	10.0
1915.....	28,841,001.09	5.3
1916.....	32,169,390.75	11.5
1917.....	34,738,913.92	8.0
1918 <sup>1</sup> .....	39,287,900.66	13.0
1919 <sup>2</sup> .....	43,830,592.90	11.5

<sup>1</sup> Decrease.

<sup>2</sup> Includes 1 cent additional postage on each piece of first-class mail as war revenue.



The following table shows the receipts at New York for the first 10 months of the fiscal year 1920, compared with the same period of the preceding fiscal year:

Month.	1918-19 receipts.	1919-20 receipts.
July.....	\$2,996,016	\$3,313,697
August.....	3,136,954	3,202,763
September.....	3,373,639	3,891,061
October.....	3,597,320	4,351,867
November.....	3,324,963	3,434,277
December.....	4,024,452	4,550,822
January.....	3,804,874	4,067,871
February.....	3,508,363	3,890,931
March.....	4,096,836	5,272,561
April.....	4,046,350	5,087,141
	35,909,767	
Less war-revenue postage (estimated 17 per cent.).....	6,104,660	
Total.....	29,805,107	41,062,991

Increase, 37.7 per cent.

The greater portion of the foreign mail of the entire country passes through the foreign branch station, and, although the matter of securing quarters has been under investigation since January 1, 1918, only one tentative proposal has been received for space that is fairly satisfactory as to location. This proposal is for the erection of a building according to plans approved by the department, and, while the location is such that it could be used for the foreign branch station and for the relief of the general post office, the rental quoted aggregates more than one-half million dollars annually for the building without furniture or heat and light.

The department recently entered into contract for the rental of a building containing about 71,000 square feet of floor space, to be erected at 122 to 126 East Twenty-third Street, in the downtown section of New York, which will take the place of the present Madison Square Station located in the Metropolitan Life Insurance Building, as well as provide limited relief for certain other stations in that vicinity. The rental is at the rate of approximately \$2 per square foot without heat or light, for a 20-year lease. In view of the department's experience in this and other cases during the past two years it will be extremely difficult to secure a building in New York under a rental basis on anything like reasonable terms. Even if store, office, or loft space were suitable for postal purposes, practically none is vacant.

The quarters occupied at present by the foreign branch station are totally inadequate for the needs of the service. The space consists of two old buildings constructed on different grades and providing approximately 66,000 square feet of floor space. The number of pieces of mail matter handled for foreign countries in 1901 was 76,357,083, and in 1919 there was a total of 272,859,244 pieces handled, or an increase in business in 18 years of 257 per cent. The records show that the total parcel-post mail dispatched to foreign countries in 1909 was 246,543 pieces, while in 1919 the total was 1,636,707, or an increase of 563 per cent.

An unprecedented and abnormal increase of mail to all foreign countries, particularly parcel post, both ordinary and registered, is anticipated within the next few years. A great drive is being made in business circles throughout the United States for increased trade with South America and other foreign countries. Before the war there were only 47 countries and colonies reached by our parcel-post service, whereas 177 countries are now reached by parcel post from the United States. Parcel-post service only recently having been extended to many of these countries, the mails for such countries have not reached the volume which can be expected later.

The increasing of the weight limit on international parcel post from 11 to 22 pounds is being arranged as rapidly as possible. Agreements have been made with 17 countries to accept 20 or 22 pound parcels. This increase in weight limit will be of great advantage to exporters in the United States as delivery charges, storage fees, etc., in foreign countries are based on the individual parcel regardless of weight. An effort is also being made to eliminate the various restrictions, charges, etc., to which parcels from the United States are subjected to in South America.

If the rate of increase that obtained during the past 20 years is maintained but not exceeded during the next 20 years, at least 190,000 square feet of floor space will be needed for the foreign branch station.

In addition to the necessity of providing adequately for the foreign branch station additional space must be provided for the relief of the general post office. The average number of cancellations of letters in the general post office during the first four days of December, 1919, was approximately 1,244,000 per day. The general post office is at present being operated at its capacity. Based upon a reasonable average increase of 10 per cent per annum, a fair estimate of the future requirements in the mailing division of the general post office may be considered as 3,228,000 cancellations daily in 1929.

The delivery section is crowded, the basement and platform are badly congested, and the express strikes during the past year and the recent railroad strike have shown that it is imperative and highly important that open and mobile space for the handling and distribution of incoming and outgoing parcel-post mails be provided. During the recent railroad strike the post office was the only public transportation utility which operated continuously and efficiently, but this service was maintained at great disadvantage and at maximum cost, owing to lack of space and proper facilities with which to handle, dispatch, and deliver the immense volume of parcel post, which at times was 500 per cent above normal in quantity.

The registry section, on the second floor of the general post office, is badly congested, and the corridors are used for storage. The platform upon which public vehicles must unload is wholly inadequate, it being necessary frequently for vehicles to remain in line for several hours at times awaiting their turn to reach the platform for the purpose of unloading mail matter.

The following table shows the number of full storage cars loaded with mail matter in New York during the months indicated:

Month:	Number of cars.
October, 1918.....	1,252
April, 1919.....	1,328
October, 1919.....	2,006
January, 1920.....	1,521
February, 1920.....	1,550
March, 1920.....	1,822
April, 1920.....	2,295

The postal station at the Grand Central Depot is being operated to capacity; in fact, it was necessary in November, 1919, to relieve that station by transferring to Madison Square and City Hall Stations the cancellation and distribution of about 250,000 letters between 4.40 p. m. and midnight, the heaviest hours of the day. With this relief the cancellations of first-class mail at this station approximate 914,000 daily. Sufficient additional space is needed so as to eliminate the necessity of a mailing division at Madison Square Station. The proposal for the rental of the space now occupied by the Grand Central Station was accepted April 5, 1908, with the understanding that an additional area of 44,000 square feet would be available for the use of the department about the year 1912, but as yet construction of the addition to the present building in which the space was to be provided has not commenced. An effort is being made to induce the New York Central Railroad Co. to complete its contract requirements.

The city of New York can be divided into four sections for the distribution and dispatch of collections to the best advantage, to wit: Hudson Terminal or City Hall Station (old post-office building), with closing dispatches to the South and West via the Hudson and Manhattan tubes to Manhattan Transfer, Pennsylvania Railroad; Madison Square (122-126 East Twenty-third Street), with complete distribution and direct dispatches to Pennsylvania and Grand Central Depots.

General post office (Pennsylvania Railroad Station). Grand Central Station (New York Central Station).

Based upon a reasonable average increase of 10 per cent per annum in collections and drops a fair estimate of present and future conditions would appear as follows:

Total cancellations per day.....	4,057,000
Expansion:	
Five years.....	6,491,200
Ten years.....	10,142,500
Per cent—	
Five years.....	60
Ten years.....	150

The above tabulation, with estimated expansion in 10 years, taken with the increase in receipts, indicates conclusively and emphatically the necessity for securing additional space and facilities at the earliest practicable date.

From present indications the minimum requirements for space in which to accommodate the foreign branch station and relieve the general post office are 325,000 square feet of floor space.

I earnestly recommend that an appropriation of \$6,000,000, to be immediately available, be made in the sundry civil appropriation bill, so as to enable the department to enter into contract for the construction of a building for the foreign branch station and other postal purposes at the earliest possible date. It is suggested that the following item be incorporated in the sundry civil appropriation bill:

The Postmaster General is hereby authorized to acquire, by purchase, condemnation, or otherwise, a site with railroad trackage in the city of New York, N. Y., and have prepared plans and specifications for the erection thereon, under a contract or contracts, of a reinforced-concrete and glass, commercial type, fireproof building, together with drive-ways and approaches, to contain approximately 350,000 square feet of floor space, for use as a foreign branch station and other postal purposes; and for the purchase of site, preparation of plans and specifications, and construction of building, including necessary furniture, equipment, and mail-handling apparatus, the sum of \$6,000,000 is hereby appropriated, and so much as may be necessary is hereby made immediately available.

Very truly, yours, (Signed) A. S. BURLISON,  
Postmaster General.

Mr. UNDERWOOD. Mr. President, I wish to say a word before this question is passed on. I have no doubt the case presented by the Senator from New York for a new post-office building in New York City is a very meritorious one. There are a great many other cases that are equally meritorious throughout the United States.

The pressure has been great on the Appropriations Committee of the Senate for years to exceed its jurisdiction and to encroach on the jurisdiction of some other committee, and pass authorizations and appropriations both at the same time for public buildings in the United States. Meritorious as I am satisfied the Senator's amendment is, I know of at least 100 other cases that have been presented to the committee that are of equal merit.

There is just one of two things the Senate must make up its mind to do. It must overthrow its rules and turn over to the Appropriations Committee the authorization and appropriation for public buildings and let us be swamped with them, or, in these meritorious cases, insist that the Committee on Public Buildings and Grounds, the committee which has jurisdiction of the matter, shall report a bill where everyone can have equal and exact justice in reference thereto. If we put one building on this appropriation bill, we can not refuse others without not only working an injustice but embarrassing many other Senators. It is for that reason that the committee has universally refused to act on these matters.

I merely desire the RECORD to show that our reason for keeping these buildings out of this appropriation bill is not on the merits of the case, but because it does not come within the jurisdiction of the Appropriations Committee. If we put in a

building we were merely playing favorites, and every other Senator who has a building that he wants to have built in his State will have his constituents asking why, if one Senator got his building through, he can not get one through for his own State.

Mr. CALDER. Mr. President, before the point of order is made, may I say a word in reply to the Senator from Alabama?

This is not a post-office building for the city of New York, or for any particular locality in the country. It is a station for the foreign business of the Nation. Through this office, as I said a moment ago, 90 per cent of the foreign-mail business of the Nation will pass. While I know there are many meritorious cases, this is an unusual one, and it is needed to take care of the Nation's business.

Mr. WARREN. Mr. President, we know that New York is a great city, and we know it probably needs a post office. I hope they will find a place to store their mail at less cost than the figures that have been stated as the possible rental. One post office in my State is doing business on the street almost, another partly in a shed, for lack of appropriations. Two other buildings have not been more than commenced; in fact, all over the United States are buildings that are under construction.

In this case the matter was not estimated for, and of course is not admissible to this bill, and I therefore make the point of order.

The PRESIDING OFFICER (Mr. FERNALD in the chair). The point of order is sustained.

Mr. SMOOT. Mr. President, I gave notice to the members of the Appropriations Committee that I would offer an amendment to the bill providing that an itemized statement should be made by the Secretary of the Treasury each year of all of the permanent appropriations. That information ought to be given in more detail than it is given under the existing law.

But the budget bill no doubt will become a law within a very short time. As one of the conferees on the budget bill, I know that there is a provision in it referring directly to permanent appropriations. I think it would be very much better not to offer the proposed amendment to this bill at this time, but to wait until the budget bill becomes a law and then offer the amendment to cover not only the law which is on the statute books to-day with reference to permanent appropriations but also to cover those that may be found in the budget bill. Therefore I am not going to offer that amendment to-day, but hope to be able to offer it when the deficiency appropriation bill is before the Senate.

Mr. ROBINSON. Mr. President, I suggest now to the chairman of the committee that we recur to the committee amendment on page 172, lines 8, 9, and 10, and the substitute for that amendment which I offered. Some conferences have been held, the matter having been passed over for that purpose, between the chairman of the committee and other members of the committee, myself, and other Senators.

I reluctantly suggest a modification of my amendment, with the understanding that in all probability it will be accepted.

First, on line 4 of the typewritten amendment strike out the words "in the several States and political subdivisions thereof"; second, strike out "\$400,000" and insert in lieu thereof "\$225,000"; third, with respect to the proviso, which is substantially the amendment in the bill, I have conferred with the Senator from Kansas [Mr. CURTIS], who is the author of the amendment, and I desire to suggest two modifications in that amendment with his concurrence.

The PRESIDING OFFICER. Permit the Chair to suggest to the Senator from Arkansas that he has a perfect right to amend his own amendment in any way he sees fit without permission of the Senate.

Mr. ROBINSON. The Senator from Arkansas understands that fully. I desire to state, however, in making the modification, my reason for doing so.

In view of the fact that the Senator from Kansas [Mr. CURTIS] made the statement on the floor that he desires this proviso retained in the amendment, I would not seek to modify that myself, although I believe it should be modified, except for the fact that the Senator from Kansas concurred in the suggestion.

Strike out \$15,000 and insert in lieu thereof \$25,000. Strike out the words "in Oklahoma, Nebraska, Kansas, and the Dakotas," so it will leave the provision general and enable the employment service to avail itself of \$25,000 for forming an organization and mobilizing a force to harvest the wheat crop.

I suggest the amendment which I have indicated.

Mr. WARREN. Does the Senator wish it read from the desk? It is satisfactory to me. If anyone wishes it read from the desk, that should be done.

Mr. ROBINSON. I suggest that as amended the question is on agreeing to the amendment.

The PRESIDING OFFICER. The Secretary will report the amendment.

Mr. ROBINSON. If it is desired to report it, I will read it myself because I am familiar with the emendations. The proposed amendment is on page 172, in lieu of the committee amendment in lines 8, 9, and 10, to insert the following:

To enable the Secretary of Labor to foster, promote, to develop the welfare of the wage earners of the United States, to improve their working conditions, to advance their opportunities for profitable employment by maintaining a national system of employment offices and to coordinate the public employment offices throughout the country by furnishing and publishing information as to opportunities for employment and by maintaining a system for clearing labor between the several States, including personal services in the District of Columbia and elsewhere, and for their actual necessary traveling expenses while absent from their official station, together with their per diem in lieu of subsistence, when allowed pursuant to section 13 of the sundry civil appropriation act approved August 1, 1914, supplies and equipment, telegraph and telephone service, and printing and binding, \$225,000: *Provided*, That the sum of \$25,000, or so much thereof as may be necessary, shall be expended to perfect an organization that can adequately mobilize and direct the workers required to harvest the wheat crop.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment of the committee.

Mr. McNARY. Mr. President, I have just come on the floor from a committee meeting—

Mr. ROBINSON. I will say to the Senator from Oregon, if he has in mind the change of the proviso which he suggested to me, namely, making it apply generally to the wheat crop throughout the country, that, with the concurrence of the Senator from Kansas, the author of the original provision, I have made the modification, so that as it now reads \$25,000 will be available for use generally rather than merely in certain States.

Mr. McNARY. I thank the Senator from Arkansas. That is what I had in mind.

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from Arkansas to the amendment of the committee.

The amendment to the amendment was agreed to.

The amendment as amended was agreed to.

Mr. KENDRICK. I send to the desk two amendments, which I ask to have stated.

The PRESIDING OFFICER. The amendments proposed by the Senator from Wyoming will be stated.

The READING CLERK. On page 91, in lines 7 and 8, it is proposed to strike out the words "at a rate not exceeding \$3.50 each."

Mr. KENDRICK. There is another amendment which goes with the one just stated, Mr. President.

The PRESIDING OFFICER. The Secretary will state the amendment.

The READING CLERK. On page 94, line 13, it is proposed to strike out the word "such" and in line 14 to strike out the words "not exceeding \$3.50."

Mr. SMOOT. Does the Senator propose, in line 14, to strike out the words "not exceeding \$3.50"?

Mr. KENDRICK. My amendment is on page 94, in line 13, to strike out the word "such," and in line 14 to strike out the words "not exceeding \$3.50."

Mr. SMOOT. Mr. President, may we have the amendments stated together in order that we may know just what is proposed?

The PRESIDING OFFICER. The Secretary will state the amendments as requested.

The READING CLERK. On page 91, in lines 7 and 8, it is proposed to strike out the words "at a rate not exceeding \$3.50 each"; on page 94, in line 13, to strike out the word "such"; and in line 14 to strike out the words "not exceeding \$3.50."

Mr. WARREN. Mr. President, I have seen those amendments and unless they have been changed I misread them. I understood the proposition was to change the per diem from \$3 to \$3.50. I shall have to object to the amendments as they now stand, because they would give these employees a preference over other employees in other departments of the Government in, perhaps, 50 different positions.

Mr. KENDRICK. Mr. President, as it has been reported to me, there is at the present time a discrimination in regard to this particular class of Government employees. There is a statute now in existence which was passed in 1914 allowing a per diem in lieu of subsistence of \$4, but the employees of the Government to whom the provision under consideration relates are prohibited by express limitation from receiving a per diem in excess of \$3.50.



Mr. WARREN. Perhaps the Senator from Wyoming does not realize that his amendment, if adopted, might increase their per diem allowance to \$25 a day. It simply proposes to take the limit off altogether.

Mr. KENDRICK. No.

Mr. WARREN. Of course we could not allow that to be done.

Mr. KENDRICK. I ask my colleague if it is not true that under existing law a per diem allowance of \$4 a day is granted?

Mr. WARREN. A per diem of \$4 is allowed in some instances; but the Senator does not provide that the per diem may be increased from three dollars and a half a day to four dollars; his amendment takes off the limit entirely.

Mr. KENDRICK. I hold in my hand a copy of the law to which I refer, and I will read it.

Mr. SMOOT. From what is the Senator intending to read?

Mr. KENDRICK. From the sundry civil act, approved August 1, 1914. That act provides:

SEC. 13. That the heads of executive departments and other Government establishments are authorized to prescribe per diem rates of allowance not exceeding \$4 in lieu of subsistence to persons engaged in field work or traveling on official business outside of the District of Columbia and away from their designated posts of duty when not otherwise fixed by law. For the fiscal year 1916 and annually thereafter estimates of appropriations from which per diem allowances are to be paid shall specifically state the rates of such allowances.

Mr. SMOOT. Mr. President, the amendment offered by the Senator would entirely change that law. In no department of the Government is there provision for paying such a per diem as would be allowable if the Senator's amendment were agreed to. In fact, as the senior Senator from Wyoming [Mr. WARREN] has stated, the Senator's amendment removes all limitations and under it any amount of money might be expended that might be desired by the department. That, of course, can not be permitted. I thought the junior Senator from Wyoming had in mind to strike out "\$3.50" and insert "\$4."

Mr. KENDRICK. That is exactly the purpose which I wish to accomplish.

Mr. SMOOT. But the Senator's amendment will not do that. If the Senator wishes, on page 91, line 8, to strike out "\$3.50" and insert "\$4," and then, on page 94, in line 14, to make the same amendment, it would conform to the law which he has read.

Mr. KENDRICK. I accept that suggestion, Mr. President.

The PRESIDING OFFICER. The Secretary will state the amendment of the junior Senator from Wyoming as now proposed.

The READING CLERK. On page 91, line 8, it is proposed to strike out the figures "\$3.50" and insert "\$4."

Mr. WARREN. Let me say to the Senator that as the law now stands these men can get \$4 if they actually expend it, if they bring in their expense accounts showing the expenditure of that sum; but the Senator proposes to raise the minimum from \$3.50 to \$4?

Mr. KENDRICK. Yes.

Mr. WARREN. What he wishes to do is to raise the minimum from \$3.50 to \$4, is it?

Mr. KENDRICK. Yes; that is my desire.

Mr. WARREN. I wish to know where the amendment is proposed to be made.

The PRESIDING OFFICER. The Secretary will state the amendment proposed by the junior Senator from Wyoming.

The READING CLERK. On page 91, on line 8, it is proposed to strike out "\$3.50" and to insert "\$4," so that it will read:

At a rate not exceeding \$4 each and actual necessary expenses for transportation.

Mr. WARREN. I accept that amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to. The Secretary will state the next amendment proposed by the junior Senator from Wyoming.

The READING CLERK. On page 94, line 14, it is proposed to strike out "\$3.50" and insert "\$4."

Mr. WARREN. So far as I am concerned, I accept the amendment.

The PRESIDING OFFICER. Without objection, the amendment is agreed to.

Mr. KENDRICK. I offer a further amendment, which I desire may be stated.

The PRESIDING OFFICER. The amendment proposed by the junior Senator from Wyoming will be stated.

The READING CLERK. On page 91, line 1, it is proposed to strike out the figures "\$2,700" and to insert in lieu thereof the figures "\$3,000."

Mr. WARREN. I make the point of order against the last amendment proposed by the junior Senator from Wyoming.

The PRESIDING OFFICER. Will the Senator from Wyoming state the ground of his point of order?

Mr. WARREN. The amendment proposes a boosting of salaries that has not been authorized or recommended by any committee of the Senate, and proposes to increase the amount carried in the appropriation bill.

The PRESIDING OFFICER. The point of order is sustained.

Mr. PITTMAN. Mr. President, an hour or so ago I offered an amendment on line 9, page 108, to strike out "\$664,000" provided for the Newlands project in Nevada and substituting "\$974,000." My colleague [Mr. HENDERSON] offered an amendment to the amendment offered by me which I accepted. The Chair then stated that the amendment offered by me, as amended by my colleague, was subject to a point of order which had been raised, and the amendment was ruled out. I therefore now offer an amendment to strike out "\$664,000" on line 9, page 108, and insert "\$974,000."

I have no desire to make any statement on the matter except simply this—

Mr. WARREN. Mr. President, the Senator from Nevada made a very frank statement about the matter, but the amendment, if agreed to, will take advantage of a mistake in the estimate that was made. The official who made the estimate has since stated that appropriations in accordance therewith would be ineffective if passed. If the Senator's amendment should be adopted, the result will be that the Reclamation Service will reach over and take the money from other equally deserving reclamation projects to build up this particular one. I trust the motion will not prevail.

Mr. PITTMAN. Mr. President, the Senator from Nevada is not relying on any mistaken estimate. The statement of the Senator from Wyoming is inaccurate.

Mr. WARREN. In what respect?

Mr. PITTMAN. The estimate is as follows—

Mr. WARREN. The Senator is alluding to the testimony before the House committee a long time ago, but we have later evidence from the same source which the Senator quotes.

Mr. PITTMAN. I intend to answer the Senator. I say that his statement is inaccurate. I read now from the hearings before the Committee on Appropriations of the House of Representatives, this matter being under discussion, and Mr. Davis, the Director of the Reclamation Service, testifying. He says:

The CHAIRMAN. How much do you estimate next year for drainage? Mr. DAVIS. The drainage estimate for next year is \$300,000. That is on the supposition that the settlers will form a drainage district. They will soon vote on the question of a drainage district, and we believe that it will carry.

I will interpolate that it has carried.

Mr. WARREN. If the Senator will permit me, what has carried?

Mr. PITTMAN. Mr. Davis in his testimony made reference to the establishment of a drainage district, and I say that district has been established.

The CHAIRMAN. What are the other allotments?

Mr. DAVIS. We propose to extend the storage works. That is largely to purchase rights around Lake Tahoe. That amount is \$405,000. The allotment to the canal system is \$35,000; to laterals, \$45,000; drainage, \$300,000; survey of farm units, \$3,000; telephone line, \$2,000; operation and maintenance, \$110,000; and \$70,000 approximately for reimbursable amounts and indirect charges.

That is the estimate of the money required. If Mr. Davis has told the committee anything since that time, he has not told them the money was not needed, and he has not told them the estimate was a mistake, but he has told them there is not sufficient money in the fund.

Mr. WARREN. Mr. President, the Senator must not allude to me as saying that I claim that the money is not necessary. I think it is necessary, as I think additional money is necessary in the case of the other projects, and I am very sorry that we are not in a position to appropriate the amount which should be appropriated.

Mr. PITTMAN. The Senator erroneously stated that the Senator from Nevada was relying upon an estimate which had been changed.

Mr. WARREN. No; I said upon a mistaken estimate, which I tried to explain some time ago was based upon there being in the reclamation fund \$5,000,000 more than is applicable to this work. At the time I thought I stated plainly that the estimate was based upon the supposed early receipt of money from oil leases, and that source failing, that there might be some legislation providing that \$5,000,000 might be borrowed from the Government, which would then make good the estimates quoted by the Senator. And he will also notice that all of the others were estimated for at very much larger amounts than those at which they were placed in the bill.

Mr. PITTMAN. I still think my statement is correct and that the estimate is correct. It was based, of course, on the theory that they would have money in the fund to carry out the estimate. Later on the director informed the committee, I

understand, that by reason of certain conditions they would not have that much money in the fund, and that it would be necessary, therefore, to cut down each one of these estimates. That is all true enough.

Mr. WARREN. Mr. President, the Senator knows that I did not make any point of order against his amendment.

Mr. PITTMAN. Oh, no.

Mr. WARREN. I simply asked that it might not be agreed to. It is true that there has been more money estimated for. I admitted that when we went over it in the first place. More was estimated for in the original estimates, and the Senator is right in claiming that it was in the estimates; and that also applied to all the others.

Mr. PITTMAN. I was just thinking that possibly the Senator's remarks might lead some one to the conclusion that there was a reflection upon the method by which I had presented it.

Mr. WARREN. Oh, no, no; on the contrary, the Senator from Nevada has every sympathy on the part of the chairman of the committee, and he can not possibly regret any more than I regret the fact that we are put in this position. In other words, we are promised a little bag of candy that has not yet been purchased. We have an estimate on money that may come in in a year and may come in in a year and a half, but it is bound to come at some time, let us hope.

Mr. PITTMAN. Of course, I know that this appropriation is necessary for the protection of the interests of the Government just as well as for the protection of the interests of these settlers, and therefore I am urging it. There are some other projects that may not be of such importance, and I really would not regret it if we should take some of that money and use it for this purpose that is necessary.

Mr. SMOOT. Mr. President, I want to say that if we are going to increase any of these appropriations I think we ought to increase them all and then let every project take its chance as to whether or not it will get the money. I want to say that they will not get it for the coming year, however, because the Government has not got the money; but if we are going to do it I want to be perfectly fair to every project and treat them all alike.

I only wish that we had the money and could go on with all of them. I recognize that the building of these projects is something like the projects established in connection with the rivers and harbors of our country. Every year we have a river and harbor bill, and the most of the money is spent for digging out roots and scraping out sand that has accumulated there during the previous year, and the project itself is put ahead very little, indeed. If we had the necessary amount of money, what we ought to do would be to appropriate the money to finish every one of these projects before ever there was another one started. That would be the businesslike way and the economical way of completing them; but we are not in that position.

Mr. HENDERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Nevada?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. HENDERSON. Does the Senator know whether the other projects need the money now as much as this Newlands project needs it?

Mr. SMOOT. Yes, Mr. President; I know that a great many of them need it just as much.

Mr. HENDERSON. Are they suffering for lack of drainage, as is the Newlands project to-day?

Mr. SMOOT. The drainage proposition is another question entirely. I wish I had some of the water that the Senator is trying to drain off, in order to put it upon some of the barren lands that are waiting to get water, under this very appropriation made here, on the Strawberry project. We have not got the water to soak the land so that it will need any draining. The reclamation project was to take care of arid and semiarid lands, with no idea that part of the money would be expended for drainage purposes; but even though it was not, I am perfectly frank to say to the Senator that under the project he has in Nevada, if it has developed that the use of water upon those lands has finally waterlogged the land so that it needs drainage, I am not going to object to it; but I want that project to take its chances with every other project, and when we get enough money to finish them, why let us finish them. Inasmuch as we have not the amount of money necessary to finish them all, let us all take our chances equally, and let us as soon as possible get to the point where they can be completed.

I do not think the Senator from Nevada wants to stand upon the floor of the Senate and say that his project ought to be ahead of all other projects. I would not do it for my State,

and I do not believe the Senator from Nevada wants to do it for his State. That is the position that the committee has taken. We refused to appropriate one dollar more than was finally decided upon by the Reclamation Service, based upon the amount of money that the service know they will have. That is the situation, and I can not see how it is possible for the Senate to accept the amendment offered by the Senator from Nevada.

Mr. HENDERSON. Mr. President, just one word in that connection.

Here are two projects started, say, at about the same time. One project is more fortunately located, and there is no need for drainage. The other project, however, must have drainage in order to keep the soil in a productive state. Now, before going on with the first project, which does not need drainage, it seems to me that it is highly advisable that sufficient money be appropriated to see that drainage is provided on the project that does need drainage, especially when productive lands are threatened and a loss of production will result from a failure to provide drainage. We have this situation: When the Newlands project was started, no drainage facilities were provided because it was supposed that it was not necessary. We find now that the water has come almost to the surface, from no feet to two feet. There are over 2,100 acres which are threatened with a great loss of production.

It seems to me that instead of taking all of this money, and saying that this project and that project shall have each its proportionate share, you should look to the needs of each individual project, and where you can save production, sufficient appropriation should be made to take care of that project.

That is the only reason why my colleague and I are asking for this appropriation, because it will save to the State of Nevada and to the Government a great deal that will have to be expended in the future if this work is not done now. We will lose in production, we will lose in settlement upon the property, and the returns that will come to the Government from that settlement.

Mr. SMOOT. Mr. President, in answer to the Senator I wish to say that I have listened to statements made before the committee time and time again by Members of the House and members of the committee portraying a condition just about the same as the Senator has portrayed. In connection with what I have already said, I wish to say that it would hardly be fair to penalize these other projects if they have been successfully located, and do not need drainage, because one of the projects needed it, and was perhaps unfortunately located.

Mr. HENDERSON. I do not want the Senator to misunderstand me. I am not asking that any other project be penalized; but if those other projects do not need the money, as the Newlands project does, then why not take care of that project and save it? The others will go along just the same, perhaps, with a less expenditure of money this year than the Newlands project.

Mr. SMOOT. But they are penalized, because if we give \$310,000 more to this project after the House has given \$664,000, the other projects will have to be penalized to that amount, because of the fact that otherwise they would receive their proportion of that amount of money.

Mr. HENDERSON. I should like to ask the Senator if it is not better to take care of a project that is producing than to use money to put new lands in for future production? Is it not better to save the production that you now have in hand than to look to future production?

Mr. SMOOT. I will say to the Senator that there is hardly a project here that is not producing to a limited extent, and all of them expect to increase their production when the projects are completed. You can take any project that is mentioned in this bill, and none of them are completed, and all of them are waiting for appropriations to be completed.

Mr. HENDERSON. That is true; but are any of them in the position that the Newlands project is in now, suffering from lack of drainage?

Mr. SMOOT. Oh, yes, Mr. President. I need not go through them here, but there are projects whose representatives have come before the committee and stated that unless they got an appropriation of two or three times the amount we have given in this bill the whole fruit crop will be materially decreased this year.

Mr. HENDERSON. The only project I know of is the project in New Mexico, but that has gone for such a length of time that the soil, I understand, has soured and will not produce.

Mr. SMOOT. I will state to the Senator that that is not the only project.

Mr. HENDERSON. That is the only one that has come to my attention.



Mr. SMOOT. I know the Senator from Nevada well enough to know that he does not want to be unfair to any other State or any other project.

Mr. HENDERSON. That is true; I do not.

Mr. SMOOT. And I want to say frankly and freely that if we put this amendment in here it will be unfair to the other States and the other projects; and it is for that reason, and that only, that I oppose the amendment. I wish it were possible that we could do it and be fair to all the other projects, but we can not do it. We have not got the money, and if it is taken from this project the other projects will have to lose that amount of money. That is all there is to it.

Mr. HENDERSON. It is not economy in any sense of the word to neglect at this time such an important matter as this. It is vital to the Government, as well as to the settlers on this project, that the work on this drainage system be started this year.

The VICE PRESIDENT. The question is on the amendment offered by the Senator from Nevada.

Mr. WARREN. I trust that the amendment will not be agreed to.

On a division, the amendment was agreed to.

Mr. SMOOT. Then, Mr. President, I want to offer a number of amendments.

Mr. NUGENT. Mr. President, will the Senator yield to me?

Mr. SMOOT. Yes; I will yield now, and prepare the other amendments.

Mr. NUGENT. I merely desire to give notice that I shall reserve a separate vote in the Senate on the committee amendment known as section 5, commencing on page 192.

Mr. WARREN. Mr. President, I send to the desk a committee amendment which I ask to have stated.

The VICE PRESIDENT. The amendment will be stated.

The READING CLERK. On page 21, line 13, after the word "care," it is proposed to insert the following:

The allotments made to the War and Navy Departments shall also be available for expenditure under the various headings of appropriations made to said departments as may be necessary.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Wyoming on behalf of the committee.

The amendment was agreed to.

Mr. WARREN. Mr. President, because of late legislation which was not passed when the House considered this bill, I offer the amendment which I send to the desk.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 33, after line 10, insert the following:

#### CIVIL SERVICE COMMISSION.

For carrying out the provisions of section 13 of an act entitled "An act for the retirement of employees of the classified civil service, and for other purposes," approved May 22, 1920, as follows: Two clerks at \$2,000 each, 5 clerks at \$1,800 each, 5 clerks at \$1,600 each, 15 clerks at \$1,400 each, 8 clerks at \$1,200 each, \$51,600; for salaries and other purposes for the remainder of the fiscal year ending June 30, 1920, to be immediately available, \$4,300; and for stationery, printing, purchase of books, office equipment, and other supplies, \$5,000; in all, \$60,900.

The amendment was agreed to.

Mr. SMOOT. Mr. President, I thought of offering amendments to make the other irrigation projects equal to the one the Senate has already decided to increase. But I do not believe I will do that, Mr. President. I will let this go to conference, and then we can see what the conferees will do.

Mr. STERLING. Mr. President, this morning I offered an amendment relating to appropriations for the employees in the Office of the Supervising Architect. Objection was made to that amendment, and the point of order was made against it that it had not been estimated for, an additional appropriation being provided for by the amendment, and the Chair sustained the point of order.

Since that time, however, there has been put into my hands a letter from the Secretary of the Treasury, addressed to the chairman of the Committee on Appropriations, a letter the existence of which I did not know of at the time I presented the amendment this morning and at the time the point of order was sustained. In view of the letter, I want to renew my offer of this amendment, and base it upon the letter of the Secretary of the Treasury. I desire to know whether or not this is not an estimate.

Mr. SMOOT. May I ask the Senator to whom the letter is addressed.

Mr. STERLING. The letter is addressed to the chairman of the Committee on Appropriations, United States Senate, dated May 12, signed by the Secretary of the Treasury.

Mr. SMOOT. Is an estimate made for it?

Mr. STERLING. An estimate is made for it. I will have the letter read, and it can be decided then as to whether an estimate is made. I ask that the letter from the Secretary of the Treasury may be read in connection with the offer of this amendment.

The VICE PRESIDENT. To whom was this letter sent?

Mr. STERLING. It was sent to the chairman of the Committee on Appropriations.

Mr. WARREN. Mr. President, I have a letter directed to me by the Secretary of the Treasury, I assume the one the Senator has a copy of. It is not an estimate under our rules and regulations. I do not see the Senator from Virginia [Mr. GLASS] in his place, but he came to me yesterday and asked if I had considered this matter of the architect's office, because the Secretary of the Treasury stated that the committee had raised the salaries of part of the force, those outside of the office, and wanted the others raised accordingly. I showed the bill as it was to the Senator from Virginia, and he stated that, of course, there was a mistake about it. As to what an estimate shall be, I presume, Mr. President, that you have the rule before you.

The VICE PRESIDENT. So that we may get to this matter, I have ruled on this question once before. I have ruled that a Senator can not get a letter or an estimate and introduce it on the floor of the Senate. It must be sent to the Presiding Officer of the Senate and by him referred to the Committee on Appropriations.

Mr. WARREN. Exactly.

The VICE PRESIDENT. I have decided that way once, and I am going to stick to it.

Mr. WARREN. I make the point of order against this proposition.

Mr. STERLING. May I ask this question in this connection, as to whether, if the amount proposed by the amendment is less than the original estimate, that rule applies?

The VICE PRESIDENT. There can not be an estimate unless it comes to the Presiding Officer of the Senate and is handed by him down to the Senate and referred to the Committee on Appropriations. The Secretary of the Treasury has no more right to direct his communication to the chairman of the Committee on Appropriations than he has to direct it to the King of Great Britain.

Mr. WARREN. I wish to say that the Secretary sent it to me by a messenger, and, of course, it could as well have been sent as the Presiding Officer states. The rule is as old as the Senate itself, that matters of that kind must pass across the desk to the committees for their consideration.

The VICE PRESIDENT. I have so ruled, and I am going to stick to it.

Mr. KING. I offer the following amendment, Mr. President.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 110, line 12, insert the following:

For the survey of the Green River and its tributaries and the Price River, in Duchesne, Uinta, Carbon, Emery, and Grand Counties of Utah, to discover suitable reservoir sites, to ascertain the possibility of storing the flood waters of said rivers, and to determine the area of the public lands which may be irrigated by such stored waters, there is appropriated, out of any money in the Treasury not otherwise appropriated, \$50,000.

Mr. WARREN. Mr. President, that is a suggestion to raise the amount of money and to introduce a new subject which has not been estimated for, and has not been recommended to the Committee on Appropriations by any standing committee. I make a point of order against the amendment.

The VICE PRESIDENT. The point of order is sustained.

Mr. CHAMBERLAIN. Mr. President, I desire to offer the following amendment.

The VICE PRESIDENT. The Secretary will state the amendment.

The READING CLERK. On page 36, strike out lines 11, 12, 13, and 14 and in lieu thereof insert the following:

That no person be paid by said board out of the appropriation contained in this act at a rate of compensation exceeding \$2,500 per annum and rates above that sum, except not to exceed the following: One at \$7,500; 2 at \$6,000; 4 at \$5,000; 30 at not to exceed \$4,000; 40 at not to exceed \$3,500; 20 at not to exceed \$3,250; 80 at not to exceed \$3,000; 80 at not to exceed \$2,750; 100 at not to exceed \$2,500.

Mr. CHAMBERLAIN. Mr. President, the appropriation in the bill to which this amendment refers is an appropriation of \$90,000,000 for the vocational rehabilitation of the young men of the Army and Navy who were disabled during their service in the war. That portion of the section which my amendment attacks is the one limiting the salaries which can be paid by the Vocational Educational Board to the teachers and instructors who are engaged in the work of rehabilitation.

The amendment which I have proposed was offered by Mr. Fess, of the House, who is chairman of the Committee on Education, and it was defeated in the House by a vote of 31 to 22. That was the vote of all who were present at the time the amendment was offered in the House.

I am going to take but a few moments of the Senate's time to call attention to the fact that the board is unable to employ the right kind of instructors and teachers for the rehabilitation of these young men.

From my viewpoint, we ought not to be niggardly about the proper training of these young fellows. Many of them are blinded; many of them are severely crippled and in such condition that they are not able to make a living in the struggle which must be made nowadays to live, and there is a chance, if they are properly cared for and properly educated and properly trained, for them, if not to make money, if not to make a living entirely, at least to give them employment and make them forget the suffering they are compelled to bear through life.

There was a limitation placed upon the amount which could be paid by this board to teachers under the act approved July 19, 1919, making appropriations for sundry civil expenses of the Government for the year ending June 30, 1920. The purpose of the amendment is to remove that limitation measurably, at least to a certain extent, so that men and women who can properly instruct these young men may be employed.

A letter from the chief of the division of rehabilitation, Mr. James B. Monroe, vice chairman of the Federal Board for Vocational Education, testifies to the fact that in the district offices they lost 148 of their staff by resignation since July last, and that is due to the limitation placed upon the board in reference to the salaries of the employees. There were 148 who then went out of the employ of the board.

The purpose of the amendment is to enable the board, within certain limitations, because salaries of a certain number of employees, not all, are fixed by the act itself, to fix amounts which will insure the retention of capable men and women in the service. I have been a little bit surprised at the condition of the board with reference to the young men who are now in training.

I call attention to the statement of Mr. Fess, than whom I suppose there is no one in the House of Representatives who knows more about the condition of these young men, because his committee has been investigating the whole subject of vocational rehabilitation. He says, in speaking to his amendment in the House:

Up to date—

That was on the 6th day of May, 1920—

Up to date there are registrations in this work of 206,666 soldiers. Contract has been made with 174,197. Surveys have been made of 141,953.

He goes on and discusses the subject at some length, and shows that other Governments, particularly Canada, have gone a long way in undertaking to rehabilitate these young men and fit them for the duties of life. I say that we ought not to take any chances on the discharge of the teachers who are engaged in this magnificent work. America ought not to be behind Canada, it ought not to be behind any country, in undertaking to restore these young men to citizenship and to useful life.

I hope the limitation will be removed by the amendments which are proposed, so that the proper men and women may be employed in the work of rehabilitation.

Mr. WARREN. Mr. President—

Mr. CHAMBERLAIN. I yield to the Senator from Wyoming.

Mr. WARREN. I have great interest in the matter the Senator has brought up. It is a matter I have dwelt with, I will not say night and day, but almost so since this bill came over from the House. I wish to make a statement, so the Senate may know exactly the situation.

When we started under this rehabilitation plan—that is, vocational rehabilitation—we found that no salaries had been established except what were paid out of lump sums. We found one man receiving two salaries that amounted to \$10,000 a year, and others which seemed to both the House and Senate unreasonable. So there was a perfect understanding here, not only with the Committee on Appropriations, but with the Committee on Education and Labor, that we provide a list of employees and salaries allowed, and at the end the inhibition which renders it impossible to pay larger salaries. I shall read the list of the men and their salaries as they stand now. Then I shall give the list of those asked for, and then, I will say to the Senate, I have prepared an amendment which, I believe, will provide everything necessary; in fact, I do not know but that I am going too far on the liberal side in what I shall ask the Senator to accept in place of his amendment, because, as

the Senator says, the Member of Congress, Mr. Fess, brought the matter up in the House and it was defeated. While the vote was small, the percentage, as the Senator knows, was rather large against it.

My investigation has convinced me that a proposition containing as much as that could neither pass the House nor resist the attacks in conference, and the able Senator from Oregon knows what it is to be in conference and to struggle over various matters.

As the salaries stand now there is 1 at \$6,000, 2 at \$5,000, 28 not exceeding \$4,000, 27 not exceeding \$3,500, 70 not exceeding \$3,000, 60 not exceeding \$2,750, and 100 at \$2,500 each, amounting to 288 men and a total of \$847,500 in salaries. We had before us an officer of this board who had matters in charge, and he said it was not so much a matter of having too few men as it was a matter of the salaries being too small, as the Senator has so well stated, and because they were leaving and going to other employment.

That matter comes up—allow me to digress for a moment—in all of these various boards and bureaus and departments. All alike say they are losing men. Ordinarily I think that the loss of a few, allowing them to go out into the world and tell them what they have learned in Washington, and letting in a little new blood, is to the interest of the Government. But this is a case where this work has to be done, the larger portion of it, if I understand it correctly—and I submit that to the Senator—in the next year; that is, the present year and the next year.

Mr. CHAMBERLAIN. It is necessarily an urgency appropriation.

Mr. WARREN. But raising the limit means that again we have a lump sum that we have fought so long and have been compelled to decline many times. So I have thought we would furnish the following, if it may meet the approval of the Senator, and I think this can be maintained. My suggestion would be to add to the list I have stated 1 man at \$6,500; add 1 more to the list of \$5,000 men, 2 more at \$4,000, 10 at \$3,500, 10 at \$3,250, 10 at \$3,000; or 34 men altogether. Of course, they ask to commence at \$7,500 for 1, 2 at \$6,000, 4 at \$4,000, and so on down.

The differences are in the two or three matters at the top and not so much in the lower part. They estimated here by not cutting off any of those whom they say they can not obtain for the money, and consequently the places are vacant. One hundred of those are counted in to make up the number, but the real difference in my judgment is in that they need, even from their own statement, the 34 men that I have stated.

If the Senator will permit me, I shall send this amendment to the desk and have it read and the Senator may offer it as his.

Mr. CHAMBERLAIN. Before the Senator gives that up, I should like to ask him a question about it.

The Senator has read the salaries now paid by the board to its employees. The amendment which I proposed fixes the salary of 1 at \$7,500, 2 at \$6,000, 4 at \$5,000, 30 at not to exceed \$4,000, 40 at not to exceed \$3,500, 20 at not to exceed \$3,250, 80 at not to exceed \$3,000, 80 at not to exceed \$2,750, and 1 at not to exceed \$2,500.

Mr. WARREN. That is exactly the list we have here, and is exactly the Fess amendment, which the House would not entertain. I submit to the Senator if it is not better to undertake what we believe is necessary, rather than to leave it entirely to the judgment of one man, whose opinion was not sustained by the vote of the House of which he is a Member.

Mr. CHAMBERLAIN. Because the proposed amendment which the Senator offers relieves the situation somewhat, whether they can be retained—

Mr. WARREN. We can at least make the trial. Every appropriation bill that we have passed lately of a general nature—that is, such as deficiencies—has contained a large amount for this very board, and there is now before the House a bill where they have put in several millions more; so that if there still remains a deficiency it can come up later and be taken care of.

Mr. CHAMBERLAIN. May I ask if the amendment which the Senator proposes takes the present list of employees with the amounts paid to each and adds to the list now employed the number of men that are proposed in his amendment?

Mr. WARREN. Exactly.

Mr. CHAMBERLAIN. I believe I am willing to accept that as an amendment to the proposition I have offered, because I know, feeling as the Senator does and as I know some of the members of his committee feel, that he would have a hard time to sustain larger amounts in conference. Feeling that that will relieve the situation, I am glad to accept that amendment.

The VICE PRESIDENT. Does the Senator from Oregon withdraw his amendment and introduce this?

Mr. CHAMBERLAIN. I do.

The VICE PRESIDENT. The amendment will be stated.



The READING CLERK. On page 36, line 14, after the word "made" insert the following:

except that there may be employed during the fiscal year 1921 in addition to this limitation employees at annual rates of compensation as follows: One at \$6,500, 1 at \$5,000, 2 at \$4,000 each, 10 at \$3,500 each, 10 at \$3,250 each, and 10 at \$3,000 each.

The VICE PRESIDENT. The question is on agreeing to the amendment offered by the Senator from Oregon.

The amendment was agreed to.

The VICE PRESIDENT. Are there any further amendments?

Mr. WARREN. The committee has no further amendments.

Mr. NUGENT. I direct the attention of the chairman of the committee to the committee amendment on page 192, section 5. I desire to make a point of order against that amendment on the ground that it is general legislation on an appropriation bill. It is a provision extending the time within which the railroads must repay loans.

Mr. WARREN. I desire to say that the amendment has been agreed to and it is too late to make a point of order against it.

Mr. NUGENT. I submit the matter for the decision of the Chair.

Mr. WARREN. There will have to be a reconsideration of the vote by which it was agreed to before the point of order can be entertained.

Mr. ROBINSON. Mr. President, I do not care to discuss the point of order at this time, but the merits of the proposition. I think if the point of order had been submitted in time it would undoubtedly have been applicable, as the provision constitutes general legislation. The matter was discussed at some length this afternoon, and I am not sure whether the Senator from Idaho was present.

Mr. NUGENT. I will say to the Senator that I was not here.

Mr. ROBINSON. The Senator might make his point of order later when the parliamentary situation is different from that which exists now. I am morally sure the point of order does not apply now, the provision having been agreed to in Committee of the Whole and the bill still being in Committee of the Whole. But, with the indulgence of the Senate, I wish to ask the Senator from Idaho to refrain from making the point of order, as I believe the legislation is wise and almost, if not quite, indispensable to the working out of the transportation condition as it now exists.

The Senate Committee on Interstate Commerce, which has jurisdiction of this legislation, has reported this provision with additional provisions which the Committee on Appropriations did not incorporate in this bill. While I have not had an opportunity of carefully analyzing the language in the bill that relates to this subject, in my judgment it is very important and very necessary legislation, and I hope the Senator will not make the point of order at any subsequent time.

There is great necessity for an increase in railroad equipment in the nature of locomotives and cars, both freight and passenger.

The transportation condition now existing, which is due in part to the lack of these necessary facilities, is quite appalling. The commerce of the country is threatened with a tie-up of the most disastrous character. The Interstate Commerce Commission is now attempting to work out the situation under the provisions of the transportation act. The principal features of the provision in the bill now under consideration which have been mentioned by the Senator from Idaho [Mr. NUGENT], in my judgment, meet with almost universal approval upon the part of those who have carefully studied the subject. The Committee on Appropriations, if I am correctly informed, eliminated from the provision, unanimously reported by the Interstate Commerce Committee, the paragraph or paragraphs authorizing the extension of the time for which certain debts due from the railroads to the Government may be funded from 5 to 15 years, and that provision is not in the bill. The two principal features of this bill as it relates to the transportation question, as I understand, are as follows:

First, in the transportation act of 1920 a revolving fund of \$300,000,000 was created, and that fund may be used in part for new loans to railroads. The transportation act contains a provision that requires the authorities making the loan to exact adequate security, and that provision nullified the purpose of authorizing the loan. It is desirable that the loans be made to the roads that can not operate successfully and effectively without such loans, and those roads, for the most part, are unable to furnish first-class security. So the transportation act, as respects such loans, is to be relaxed by the provision so as to authorize the commission to make the loan if it is necessary to enable the railroad properly to meet the transportation needs of the country, if the commission is satisfied that, considering

the condition of the railroad, its "indebtedness, contract obligations, operation, and earning power," \* \* \* together with such other facts relating to the propriety and expediency of granting the loan applied for," the applicant will be able to make good the obligation. That provision undoubtedly is in the public interest, and is necessary to relieve the existing transportation situation. I think the provision also contemplates the organization of a car trust and the issuance of certificates in connection therewith.

Considered from the standpoint of the condition of the transportation interest of the country, I believe that this legislation ought to be enacted, and that it ought to be enacted speedily. So I repeat the hope that when the bill goes into the Senate neither the Senator from Idaho nor any other Senator will find it advisable to make a point of order against it.

Mr. SMITH of South Carolina. Mr. President, if the Senator will allow me, I wish to call his attention to the fact that the representatives of all the railroads, the strong as well as the weak, who appeared before the Interstate Commerce Committee made it very clear that in the transition period from Government ownership back to private ownership it was practically impossible, not for the weak roads alone but even for the strong roads, to meet their obligations within five years; that the credit of the roads and their ability to meet their interest charges and other obligations which had been incurred were such that their obligations under the revolving fund would have to be extended over a period of 15 years in order for the \$300,000,000 to be adequate to meet the requirements of the roads; that within five years from the time they assumed control of their property they could not make sufficient money to meet the obligations which had been incurred under the use of the revolving fund.

Mr. NUGENT. May I ask the Senator when that fact developed?

Mr. SMITH of South Carolina. It developed merely from their experience in connection with previous borrowings before they went under Government ownership. They found when they had floated certain securities and that within a period of five years it was practically impossible to meet the expenses and overhead charges of the roads, and also to discharge their maturing obligations.

Mr. NUGENT. Then, Mr. President, the railroad executives were familiar with the fact at the time they appeared before the Senate Committee on Interstate Commerce, of which my friend from South Carolina is a member; and, if I remember correctly, so far as the transportation bill is concerned, as that bill was reported by the committee to the Senate, it provided that the loan of \$300,000,000 under the revolving fund should be paid to the Government within a period of five years.

Mr. SMITH of South Carolina. Yes; but I should like to remind the Senator of certain conditions of which, I think, he as well as myself and everyone else who has had to do with any of these matters is cognizant. There are certain financial conditions now existing which differ radically from those antedating the recent war, and it was made apparent that certain institutions, certain sources from which loans could formerly be secured, were not able to furnish them. The rate of interest also and other complications made it practically impossible for the railroads to meet existing conditions.

Mr. ROBINSON. If the Senator will yield to me for a moment in that connection, so far as that is concerned, the railway executives insisted all the time that more liberal provision should be written into the statutes not only regarding the time for the reimbursement of the loans to be made but regarding, as I have already stated, the time in which existing indebtedness should be repaid to the United States.

Mr. SMITH of South Carolina. Yes.

Mr. ROBINSON. They insisted all the while that the railroad finances were in such condition that the circumstances not only justified but required liberality with regard to the time of repayment of both classes of obligations.

Mr. SMITH of South Carolina. That is true. It was also made manifest that the weaker roads, in order to enjoy any benefits that might accrue from the \$300,000,000 revolving fund, must have some provision made by which they could come into possession of some of the money other than by putting up certain forms of collateral. It was the weaker roads in which we were interested more than the stronger. The car-trust certificates, which contemplate, practically, a mortgage on the entire property, would be the only way by which they could come into possession of any of the \$300,000,000, and I see by a casual glance that this proposed legislation is to meet that very emergency.

I wish to say to the Senator from Idaho that the committee went into this matter very thoroughly, and, as the Senator

from Arkansas will bear me out, we went into every angle of this matter so far as the public interest is concerned.

Mr. ROBINSON. Mr. President, if the Senator will indulge me, upon reflection I do not believe that the amendment is subject to a point of order even if the point of order were made in apt time, for the reason that it has been reported by a standing committee of the Senate having jurisdiction of the subject matter, and under the rules of the Senate that plainly makes it admissible in spite of the rule against legislation.

It is true, as I have already stated, that this amendment does not embrace all that the Senate Committee on Interstate Commerce have recommended be enacted, but there is nothing in the amendment which has not been favorably reported, and unanimously reported, from the Committee on Interstate Commerce. In view of that fact, anticipating the announcement made some time ago, that a point of order would hereafter be made against the provision, I merely wish to say that I do not think it is subject to a point of order at any time, or that it would have been subject to a point of order if made when the provision was reached in consideration of the bill as in Committee of the Whole.

Mr. WARREN. Mr. President, I agree entirely with the Senator from Arkansas that if we should apply the rule as it is applied in the House the amendment would not be subject to the point of order.

Mr. ROBINSON. I am not able to catch the Senator's statement.

Mr. WARREN. I say I do not think the point of order should be made now, as in Committee of the Whole, after we passed on the question, and I do not think, in view of what the Senator has stated, that it is subject to the point of order. It is a matter of legislation; it has already been provided for, in a way, and been reported from a committee. The fact that it has been reported unanimously may not make any difference, but it has been reported unanimously also from the Committee on Appropriations.

Mr. SMITH of South Carolina. Mr. President, if the chairman of the committee having this bill in charge will allow me, there is already a law pertaining to the subject matter.

Mr. WARREN. Certainly.

Mr. SMITH of South Carolina. And there have been recommended certain modifications, of which this amendment takes cognizance, from a standing committee, as the Senator from Arkansas intimates.

To sum up the whole matter, Mr. President, I think the committee was unanimous in its recommendation to the Senate that the legislation embodied in a bill which has been presented is absolutely essential to meet the conditions which now confront us, and this provision in the bill is in pursuance of that recommendation. So even though a point of order might lie against it, I hope it will not be made.

Mr. KELLOGG. Mr. President, I hope the Senator from Idaho will not insist upon the point of order. I wish to state how this amendment came to be recommended by the committee. Committees of shippers from various sections of the country, all the way from the Pacific coast to the Atlantic, came here. From 50 to 75 men appeared here representing leading industries. They included committees of farmers, of grain men, of lumbermen, and shippers in all branches of business and commerce.

Mr. SMITH of South Carolina. And cattle raisers.

Mr. KELLOGG. And cattle raisers, and all branches of business in the country. They came before the committee and presented arguments which have been printed and are now before the Senate.

It appeared, as we already knew, that during the two years and two months of the Government administration of the railroads only about 100,000 cars and a few engines had been bought—I do not remember the exact number—but ordinarily it takes 100,000 cars a year to keep the equipment of the roads up to standard, without any increase at all; in other words, about 100,000 cars, 2,000 locomotives, and three or four thousand specialty cars are destroyed each year and go out of business. So it was estimated that we are to-day short 226,000 cars, without any increase of business, 3,100 locomotives, and about 4,000 specialty cars.

The committees to which I have referred urged us strongly to increase this appropriation to \$600,000,000. The railroads did not suggest this provision in the first instance. They urged that this \$300,000,000 that has been appropriated was not available under the terms of the original act, because they could not buy cars and make car equipments for five years, and only the roads best able to provide themselves with equipment could, therefore, take advantage of the loan in order to buy equipment. Now, those roads which could borrow money

did not need the \$300,000,000; and the result, if we had left the law unchanged, is that only the best roads could have taken the loan. They recommended very strongly that we change the terms of the loan and extend it to 15 years, so that they could have car equipment, and we added a provision that only roads which could not otherwise procure money should have the advantage of the loan.

The Pennsylvania Railroad, it appears, is borrowing money. It has already sold its notes at 7½ per cent. The same is true of the Louisville & Nashville, the Atlantic Coast Line, the New York Central, and some of the other lines; but there are many lines in the country that have not yet settled with the Government, and the condition of the money market has become such in the last three months that it is impossible for them to use the loan for five years unless they can put it into car equipment.

In the old years car equipments used to be made for 10 years, but those were days when you could buy a steel-frame car for \$1,000 or \$900; some of them for less than that. To-day it costs \$3,500 to buy a steel-frame car. An engine that cost \$15,000 15 years ago costs to-day \$65,000 to \$70,000; and the result is that the roads must pay down at least 30 per cent upon the equipment, and make an equipment trust extending over 15 years.

After we had taken the testimony of all the shippers, we did not recommend all they asked. We recommended extending no further loan than that provided in the original act, because we felt as though those lines which had credit ought to be required to go in the market and get the money there, and this amendment requires them to do it; but we did feel as though we ought to make this loan available. After that, we called on the Interstate Commerce Commission, and consultations were held with them and with the Railroad Administration, and every one of them urgently recommended the extension of the time of this loan so that the money could be loaned to companies on car equipment, and that they could use this money to get equipment.

I wish to say to the Senator that the shortage of equipment to-day is nothing to what it will be next year unless the most strenuous efforts are made to relieve it, and every car shop in the country must be kept busy. Even then, it is admitted that not over 100,000 cars, 2,000 engines, and perhaps 4,000 passenger cars can be obtained within the next year. They will cost something over \$600,000,000. The cattle shippers and the grain shippers of this country are suffering to-day as never before for want of prompt transportation. It appeared in testimony before the committee that stock shippers, where the cattle were fat and ready to be shipped to market, were being kept out every day because the equipment could not be obtained; and that is the trouble with the coal shipments in the country. This condition grew out of the war, to be sure; but we ought to make every effort to-day to make available this loan, so that it may be used to relieve the congested condition in this country, and even then we are not going to have the equipment necessary to move the crops.

I hope the Senator will not urge this point of order. We did not go as far as the shippers wished us to go. We declined to recommend any new loans or further appropriations; but we did recommend unanimously, after consultation with the House Appropriations Committee and consultation with the House Interstate Commerce Committee, that section 210 be amended as it is in this bill.

Mr. NUGENT. Mr. President, I am well aware of the fact that considerable difficulty has recently been experienced in the matter of transportation. I also appreciate the fact that it was due in large measure to efforts on the part of certain transportation companies to send all the freight shipped to the Atlantic coast to New York and New England points, with the result that, according to advices contained in the newspapers, it was a difficult matter to get loaded cars into those sections and to get empties out because of the unprecedented congestion.

If I remember correctly, the Senate Committee on Interstate Commerce spent weeks and months of time investigating transportation matters generally prior to the time the so-called transportation act was favorably reported to the Senate. I necessarily assume that the examination conducted by the committee was exhaustive. The transportation act as finally enacted into law provided for a guaranteed return to the railroads of not less than 5½ per cent on the aggregate value of all the railroad property in the country; also for an additional one-half per cent, the money derived therefrom to be loaned to railway companies for the purpose of purchasing equipment, and so forth. The railway companies, according to the public prints, have recently made application to the Interstate Commerce Commission for an increase in freight rates over those now existing of approximately 30 per cent, which means that the people of the



country will be obliged to pay more than \$1,000,000,000 annually in order to pay to the railroad companies the 5½ per cent guaranteed net return. The transportation act also provided for a revolving fund in the sum of \$300,000,000 to be loaned to the railway companies and to be paid by them within five years.

I also assume that if proper representations had been made to the Committee on Interstate Commerce that committee would have included in the bill reported to the Senate a provision for loaning that money for 15 years instead of 5; but the bill reported was enacted, and now, within a period of a few months thereafter, the railroad companies are desirous of receiving further aid at the hands of the Government and are asking that the moneys loaned to them out of the revolving fund need not be paid by them for 15 years. I object to extending the time for payment.

The statement has been made by a number of Senators that it is absolutely necessary that this amendment to the pending bill be agreed to, in order that certain railway equipment may be purchased, because of the alleged fact the railway systems of the country are in dire need of additional equipment. According to statements made by the Director General of Railroads, during the period of Federal control 100,000 cars and more than 1,900 engines were placed in operation on the railroads in addition to more than 2,000 locomotives and 69,000 cars that had been ordered by the railroad executives prior to the taking over of the roads by the Government; and I will venture the assertion that from the standpoint of equipment the roads were never so well supplied as they were when the Government surrendered possession of them to their owners.

I desire to again go on record as opposed to taxing the people of the country through increased freight rates, to the extent of more than a billion dollars per annum, to pay the railroads a net return of not less than 5½ per cent on the value of all their property, and as opposed to taxing the people to the extent of hundreds of millions of dollars to be loaned to the railroads and not to be paid for 15 years.

So far as the point of order is concerned, permit me to say, that if the section to which I have made it is, under the rules, open to the point of order, it appears to me that it is immaterial whether the question is raised now or at some other time. It seems to me that if it is subject to a point of order, it can be made at any time prior to the time the bill is actually agreed to by the Senate.

Mr. UNDERWOOD. Mr. President, I want to say just one word in reference to the point of order.

The rule of the Senate is that legislation on an appropriation bill is not in order unless that legislation has been reported to the Senate and is on the calendar coming from one of the standing committees of the Senate. Before the pending sundry civil bill was reported to the Senate the Committee on Interstate Commerce—the Senator from Iowa [Mr. CUMMINS] making the report—reported to the Senate Senate bill 4373. That bill amends two sections of the transportation act of 1920, known as the Cummins bill. Those sections are 207 and 210, entirely separate in their identity, and in no way connected with each other, except that they are both in the same transportation act. In other words, the one section does not relate to the other section or affect its meaning.

The first section would have made the authorization of a loan of something like \$351,000,000 to the railroads. The second section has to do with money already provided for in the transportation act, and to a large extent the amendment relates to the extension of a loan and the discretion of the commission in distributing money already in their hands to the various railroads according to their needs.

Mr. President, I take it that the precedents in the Senate are not controverted, that if this bill, taken by its four corners, having been reported from a committee of the Senate to the Senate, had been offered by the Appropriations Committee as an amendment to the pending bill, it would not be subject to a point of order. However, the committee does not offer the first section, but offers word for word the identical language in the second section.

I make the point, although, as far as I know, there is no precedent for the position. The Senate can now make its own precedent, as there is no precedent heretofore established. The reason of the law is the life of the law, and the reason of the rule is the life of the rule. The reason for not allowing legislation on appropriation bills is to assure the enactment of permanent legislation which has been carefully considered by standing committees of the Senate, in order that the legislation might be properly perfected. I know of no other reason why the rule should exist as it does. The rule in the House of Representatives prohibits any legislation being attached to an appropriation bill. The rule in the Senate admits legislation on appropriation bills which has been visé.

The VICE PRESIDENT. Will the Senator from Alabama point out to the Chair a rule which permits the Committee on Appropriations to introduce general legislation on an appropriation bill?

Mr. ROBINSON. The last clause in the first paragraph of Rule XVI, which is as follows:

Or unless the same be moved by direction of a standing or select committee of the Senate—

And so forth.

Mr. SMOOT. That only has reference, however, to an increase of an appropriation already in the bill.

The VICE PRESIDENT. Certainly. The third section says:

No amendment which proposes general legislation shall be received to any general appropriation bill.

Mr. UNDERWOOD. The Chair may be right, but there is a semicolon there, which I see no reason for inserting in the language of the rule if the Chair is right. It says:

Or unless the same be moved by direction of a standing or select committee of the Senate.

So far as I can see, in this rule that has no connection with the previous sentence, that it is in aid of an appropriation. I will not read the whole rule, but let me read the last part of Rule XVI:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session.

There the connection with the appropriation ceases. It continues:

Or unless the same—

The VICE PRESIDENT. That is the appropriation.

Mr. UNDERWOOD (reading):

Or unless the same be moved by direction of a standing or select committee of the Senate.

That is my construction of the rule, Mr. President, and I think it is the logic of the rule.

As far as the precedents are concerned, the Chair may be sustained by the precedents, but, with that viewpoint, it seems to me that there would be no distinction between admitting a section of the bill which is entirely independent of the other sections and admitting the whole bill.

The VICE PRESIDENT. The Chair is not so much in doubt about what the rule is with reference to the appropriations in the bill and the amendments that are to be made thereto as it is upon the question of when the point of order must be made.

This last clause of the first section of the rule reads:

No amendments shall be received to any general appropriation bill the effect of which will be to increase an appropriation already contained in the bill, or to add a new item of appropriation, unless it be made to carry out the provisions of some existing law, or treaty stipulation, or act, or resolution previously passed by the Senate during that session, or unless the same be moved by direction of a standing or select committee of the Senate, or proposed in pursuance of an estimate of the head of some one of the departments.

That certainly must refer to an appropriation. It can not refer to anything else. Subdivision 3 reads:

No amendment which proposes general legislation shall be received to any general appropriation bill.

That is as far as it is necessary to read.

If the contention of the Senator from Alabama and the Senator from Arkansas and the Senator from Wyoming is true, the Senate would find itself in this very anomalous position, that the Committee on Appropriations could stick on to a bill any sort of general legislation it pleased and prevent a Senator from raising a point of order to it, whereas if a Senator wanted to put it on a member of the Committee on Appropriations could prevent it from being done.

The Chair does not believe that. The Chair has ruled with remarkable justice on this point, because it has ruled on both sides. The Chair has held once, basing the ruling upon a ruling by former President pro tempore Ferry, that it was too late to raise a point of order after a vote had been had in Committee of the Whole. The Chair reversed itself, not with dignity but with ease, and announced that the rule of the Senate was that a question of order may be raised at any stage of the proceedings; that it was the right of a Senator to raise it at any time.

On the present question the Chair is going to adopt a middle course, namely, that there must be an end some time to the right of a Senator to raise a point of order. A strict construction of the rule would mean that it might be raised even after the vote by which the bill was passed that some Senator could then get up and raise a point of order. Under the strict terms of the rule it may be raised at any stage of the proceedings; it may be raised after a conference report comes back. The Chair does not believe that. The Chair thinks that under the rule a

Senator must seasonably raise his point of order. It is the opinion of the Chair that after an amendment has been agreed to in Committee of the Whole a point of order can not be raised against it in Committee of the Whole.

If there be no further amendments in Committee of the Whole, the bill will be reported to the Senate.

The bill was reported to the Senate as amended.

The VICE PRESIDENT. The question is on concurring in the amendments made as in Committee of the Whole, except the amendment on page 192 inserting section 5, on which a separate vote in the Senate was reserved by the Senator from Idaho [Mr. NUGENT].

The amendments were concurred in.

The VICE PRESIDENT. The question is on concurring in the amendment on page 192 inserting section 5, a separate vote on which was reserved by the Senator from Idaho [Mr. NUGENT].

Mr. NUGENT. On that I ask for the yeas and nays.

The yeas and nays were ordered, and the Secretary proceeded to call the roll.

Mr. CURTIS (when his name was called). On this question I have a pair with the Senator from Tennessee [Mr. McKELLAR] and withhold my vote.

Mr. FERNALD (when his name was called). I transfer my pair with the Senator from South Dakota [Mr. JOHNSON] to the Senator from West Virginia [Mr. ELKINS] and vote "yea."

Mr. KING (when his name was called). On this vote I am paired with the Senator from Oklahoma [Mr. GORE]. Not knowing how he would vote, I withhold my vote.

Mr. SMITH of South Carolina (when his name was called). I have a general pair with the Senator from South Dakota [Mr. STERLING]. I transfer that pair to the Senator from Tennessee [Mr. SHIELDS] and vote "yea."

Mr. THOMAS (when his name was called). I have a general pair with the senior Senator from North Dakota [Mr. McCUMBER]. In his absence, I withhold my vote.

The roll call was concluded.

Mr. GLASS. I have a general pair with the senior Senator from Illinois [Mr. SHERMAN]. I observe that he is not in the Chamber, and therefore I withhold my vote.

Mr. TRAMMELL. I have a general pair with the Senator from Rhode Island [Mr. COLT]. In his absence I transfer my pair to the senior Senator from Texas [Mr. CULBERSON] and vote "nay."

Mr. BECKHAM. Has the Senator from West Virginia [Mr. SUTHERLAND] voted?

The VICE PRESIDENT. He has not.

Mr. BECKHAM. I have a pair with that Senator and in his absence I withhold my vote.

Mr. CALDER. I have a pair with the junior Senator from Georgia [Mr. HARRIS]. I transfer that pair to the senior Senator from Iowa [Mr. CUMMINS] and vote "yea."

Mr. EDGE. I transfer my pair with the junior Senator from Oklahoma [Mr. OWEN] to the junior Senator from California [Mr. JOHNSON] and vote "yea."

Mr. BALL. I have a general pair with the senior Senator from Florida [Mr. FLETCHER]. I transfer that pair to the junior Senator from Maryland [Mr. FRANCE] and vote "yea."

Mr. JONES of Washington (after having voted in the affirmative). Has the senior Senator from Virginia [Mr. SWANSON] voted?

The VICE PRESIDENT. That Senator has not voted.

Mr. JONES of Washington. The senior Senator from Virginia is necessarily absent on account of business of the Senate and I have agreed to take care of him with a pair during that absence. I find that I can transfer my pair to the Senator from Michigan [Mr. TOWNSEND], which I do, and allow my vote to stand.

Mr. CURTIS. I have been requested to announce the following pairs:

The Senator from Colorado [Mr. PHIPPS] with the Senator from South Carolina [Mr. DIAL];

The Senator from Vermont [Mr. DILLINGHAM] with the Senator from Maryland [Mr. SMITH];

The Senator from Wisconsin [Mr. LaFOLLETTE] with the Senator from Arkansas [Mr. KIRBY];

The Senator from Pennsylvania [Mr. PENROSE] with the Senator from Mississippi [Mr. WILLIAMS]; and

The Senator from Indiana [Mr. WATSON] with the Senator from Delaware [Mr. WOLCOTT].

The roll call resulted—yeas 42, nays 6, as follows:

#### YEAS—42.

Ball	Capper	Edge	Gay
Brandeggee	Chamberlain	Fernald	Gerry
Calder	Comer	Frelinghuysen	Hale

Harding  
Henderson  
Jones, Wash.  
Kellogg  
Kendrick  
Keyes  
Knox  
Lenroot

Lodge  
McCormick  
McLean  
McNary  
Moses  
Myers  
Nelson  
New

Overman  
Page  
Phelan  
Pittman  
Poindexter  
Ransdell  
Robinson  
Smith, S. C.

Smoot  
Spencer  
Underwood  
Wadsworth  
Walsh, Mont.  
Warren

Borah  
Norris

Nugent  
Sheppard

Trammell

Walsh, Mass.

#### NOT VOTING—48.

Ashurst  
Beckham  
Colt  
Culberson  
Cummins  
Curtis  
Dial  
Dillingham  
Elkins  
Fall  
Fletcher  
France

Glass  
Gore  
Gronna  
Harris  
Harrison  
Hitchcock  
Johnson, Calif.  
Johnson, S. Dak.  
Jones, N. Mex.  
Kenyon  
King  
Kirby

La Follette  
McCumber  
McKellar  
Newberry  
Owen  
Penrose  
Phipps  
Pomerene  
Reed  
Sherman  
Shields  
Simmons

Smith, Ariz.  
Smith, Ga.  
Smith, Md.  
Stanley  
Sterling  
Sutherland  
Swanson  
Thomas  
Townsend  
Watson  
Williams  
Wolcott

The VICE PRESIDENT. On this question the yeas are 42, the nays are 6, and Senators CURTIS, KING, GLASS, and BECKHAM are in the Chamber and not voting. So there is a quorum present, and the amendment made as in Committee of the Whole is concurred in.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time and passed.

#### PETITIONS AND MEMORIALS.

Mr. KNOX presented a petition of sundry citizens of Scranton, Pa., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a petition of the board of trade, of Philadelphia, Pa., praying that generous treatment be given all of the armed forces who are disabled or sick in consequence of their services in the World War, and also to the dependents of those who lost their lives, and remonstrating against the granting of a general bonus without discrimination, which was referred to the Committee on Finance.

He also presented a memorial of the board of trade, of Philadelphia, Pa., remonstrating against the enactment of legislation providing for the raising of public revenues by a tax upon the privileges of the use and enjoyment of lands of large value, which was referred to the Committee on Finance.

He also presented a petition of the board of trade, of Philadelphia, Pa., praying that authority be taken from the Department of Justice and turned over to the Department of Labor in the settlement of the deportation of undesirable aliens into this country, which was referred to the Committee on Immigration.

Mr. CAPPER presented a petition of the Rotary Club, of Augusta, Kans., praying for an increase in the salaries of postal employees, which was referred to the Committee on Post Offices and Post Roads.

He also presented a resolution adopted at the annual convention of the Wheat Growers' Association of the United States, held at Hutchinson, Kans., favoring the enactment of legislation granting to farmers the right of collective bargaining, which was referred to the Committee on the Judiciary.

Mr. TOWNSEND presented a memorial of sundry Albanians, residents of the city of Pontiac, Mich., remonstrating against the enactment of legislation awarding to Greece the two southern Albanian Provinces, which was referred to the Committee on Foreign Relations.

#### REPORTS OF COMMITTEES.

Mr. FERNALD, from the Committee on Claims, to which was referred the bill (H. R. 1309) for the relief of Perry L. Haynes, reported it with an amendment and submitted a report (No. 634) thereon.

Mr. McCUMBER, from the Committee on Pensions, to which was referred the amendment submitted by himself on the 25th instant proposing to appropriate \$1,200 to pay Dennis M. Kerr for extra clerical services to the Committee on Pensions and \$1,200 to pay Robert W. Farrar for indexing and clerical services, and so forth, intended to be proposed to the general deficiency appropriation bill, reported favorably thereon and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

#### DISTRICT PUBLIC SCHOOL SYSTEM.

Mr. HARRISON. I submit the report of the select committee appointed pursuant to the resolution adopted February 24, 1920, providing for an investigation of the public school system in the District of Columbia. I ask that the report may be printed and that it also may be printed in the RECORD.



The report is as follows:

[Senate Report No. 635, Sixty-sixth Congress, second session.]

The select committee appointed pursuant to the provisions of the resolution of the Senate of February 24, 1920, to investigate the public-school system in the District of Columbia submits the following as its report:

A crisis has been reached in the school system of Washington. The education of more than 60,000 children is involved. Conditions are disclosed on the hearings before your committee which can be remedied only by radical changes in the authority governing the administration of the school system.

One of the unfortunate differences now found to exist on the board of education and between it and a considerable portion of the population of the District was the consideration of a bill presented to Congress as far back as 1916, which sought to place the control of the District schools in the commissioners. A controversy immediately arose which ended in the defeat of the bill. Following this, the members of the board of education, as then constituted, who opposed the transfer of the control of the schools to the District commissioners, gradually became eliminated from the board. Whether this was in pursuance of a common purpose by those who promoted the attempted legislation, your committee does not find it necessary to decide. It does, however, find that at different intervals such members failed of appointment and disappeared from the board following that controversy. Other differences resulting from an element which desired to retire the present superintendent of schools and which it may be admitted in good faith believed such a retirement to be for the welfare of the schools, contributed to the present situation.

About the same time the members of the board of education divided in a factional controversy which has continued to the present day. It is difficult to resist the conclusion therefore upon all the facts disclosed in the hearings that one of the causes was the defeat of the legislation sought by which the control of the schools would have been absorbed by the District commissioners. Notwithstanding this rejection there is some ground for inferring that the elements supporting it undertook to do indirectly what they failed to accomplish directly by legislation in Congress. The results have been most unfortunate for the District schools. So long as this spirit is found in the board, concord can not be had, and the harmony so indispensable to the successful control of the schools will be conspicuously absent.

The officials of the educational system are apparently impotent to correct manifest evils which, if not arrested, will bring the schools of Washington to a deplorable level of deterioration. Instead of giving to our country an example to emulate, the schools of the Nation's Capital have shown a tendency to decline under the destructive friction between members of the board of education, between the board and the superintendent of schools, and between the superintendent and other school officials. The board and other school officials have exhibited in the meanwhile the humiliating spectacle of often devoting themselves to petty squabbles and personal controversies instead of applying themselves earnestly to meeting the requirements of the public schools.

The members composing the dominant faction of the board are proceeding to make such changes in the management of the schools in the near future as inevitably will fail to remedy the present regrettable condition. If this should occur, it makes much more difficult and costly the removal of a variety of undesirable conditions and the application of an effective remedy to rehabilitate the schools and make them adequate to present needs. Your committee reports that the execution of the plans by the majority of the board touching a change in the management of the schools would add greatly to the friction now existing and vitally affect the welfare of the District school system.

Your committee does not believe it can recommend full remedial legislation until a complete survey of the schools has been made by competent authority showing what new buildings, grounds, physical equipments, including playgrounds, are essential, the changes in educational methods, administrative affairs, and other essential details shall be found by such survey to serve as a sound basis for legislation. Your committee therefore recommends that authority be given to procure such survey, which can be completed, it is believed, upon the convening of Congress in December, 1920. Your committee further reports that it deems it inadvisable for the foregoing reasons for the present board of education to proceed upon their plans referred to in the hearings relating to a change in the superintendent of the District schools, because his successor, named by the present dominant faction, will inevitably inherit the same divided counsels and obstacles resulting from present conditions, and that it is less harmful to maintain the existing status of affairs than aggravate the present unfortunate situation by further friction. Your committee believes that upon the making of the survey herein recommended legislation can be enacted and a complete remedy had more expeditiously and with less expense and delay than if the majority of the board of education should carry into effect their avowed purposes.

Your committee has arrived at the unanimous conclusion that the present board of education, created under the act of 1906, ought to be abolished and a board of education consisting of six members be created. The present method of appointing the board of education by the Supreme Court of the District ought to be changed and the power of appointment vested in the President of the United States subject to confirmation by the Senate.

The compensation of both the teachers, the janitors, and other service ought in justice to the welfare of the schools be increased. The present rate of pay can not reasonably be expected to attract and keep competent persons in the service. We believe the report of the Joint Reclassification Commission recently made contains proper recommendations in this behalf. The superintendent of schools ought to be given power to suspend or dismiss, subject to the approval of the board of education, any persons for the good of the service.

The business details incident to the school system of the District are now so burdensome that in the opinion of the committee a new office of business manager should be created and we believe the survey herein referred to when made will recognize the necessity of such relief from the duties now incumbent upon the superintendent. Such manager ought to be given a force sufficiently large and qualified to enable him to dispatch business matters adequately and rapidly. Direct responsibility should be imposed upon him for all matters committed to his care.

The use of school property as community centers for entertainments, meetings, and educational movements is approved. Your committee believes, however, that the use of such property ought to be under strict supervision both as to the care for the same and the character of the entertainments or proceedings conducted therein. Unless great care is exercised some entertainments subject to criticism are apt to find their way into the school buildings. This is a matter for the good judgment of the board of education, but the committee believes

it ought to point out specifically the necessity for constant vigilance. We especially mention here the fact that school buildings and their appurtenances and grounds are primarily designed in original construction in heating, lighting, and ventilation for educational purposes, and any departure from such intended use must be under such limitation and wise restraints as not to do violence to the spirit of the public-school system. The committee found that many of the school buildings were being used for community activities, many of which were highly educational and recreational. The community center has been the means in many instances of furnishing education, recreation, and pleasure to the adults and children in these communities, but the committee found that there have been instances where dances held in those buildings were not properly conducted or adequately chaperoned. The committee is of the opinion that there should be the closest cooperation upon the part of the community center authorities and the patrons of the various community centers in following their wishes as to the character of the entertainments, and that, in all instances, the very strictest supervision and regulation should be observed.

Congress, in the House of Representatives, where money bills originate, is providing liberally in the appropriations for this year for buildings and equipment. The increase of population in the District, carrying with it the natural addition to the children of school age, makes it indispensable that new buildings, adequate playgrounds, and other physical improvements be had proportionate to the increase. The necessity for playground room at the Dunbar High and the Park View Schools and in other localities is most urgent, and your committee recommends immediate action by the board and Congress. It is not anticipated any difficulty will be found in all proper additions and improvements in school facilities when the foregoing survey recommended shall have shown the basis upon which it and other legislation can intelligently be enacted.

Your committee wishes it to be thoroughly understood that nothing in this report is to be construed as condemning or commending the superintendent of schools or his administration of the office which he holds. The committee fully recognizes the right and the duty of the board to exercise its own discretion in passing upon the comparative fitness of candidates for the positions of superintendent and assistant superintendent, and we do not feel ourselves qualified to decide whether the present superintendent is the best man obtainable for the position. We are convinced that he has had a most difficult task to perform in directing the District schools under the exceptional and trying conditions existing in Washington during and since the World War.

Our conclusions, in view of the unsettled state of public sentiment in regard to school affairs and the decided differences of opinion as to the fitness of the superintendent and the motives which influenced the board in making a change, is that the present superintendent should be retained at least until a survey of the schools has been made and until the new board has assumed control of the school system. In our judgment, to place a new official at the head of the schools while the survey is being made, and while the present controversies are rife, would be likely to lead to a greater injury to the welfare of the schools than could result from leaving the present superintendent in office.

LAWRENCE Y. SHERMAN.  
WILLIAM F. DILLINGHAM.  
PAT HARRISON.  
DAVID I. WALSH.  
ARTHUR CAPPER.

#### BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. JONES of Washington:

A bill (S. 4446) granting a pension to Alberta O. Mullen (with accompanying papers); to the Committee on Pensions.

By Mr. KNOX (for Mr. PENROSE):

A bill (S. 4447) granting a pension to William R. Potter (with accompanying papers); to the Committee on Pensions.

By Mr. EDGE:

A bill (S. 4448) granting a pension to William H. Van Name; to the Committee on Pensions.

By Mr. KING:

A bill (S. 4449) to provide for the transfer of the Bureau of Fisheries from the Department of Commerce to the Department of Agriculture; to the Committee on Commerce.

#### NATIONAL BUDGET SYSTEM—CONFERENCE REPORT.

Mr. McCORMICK. I submit the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes. I ask that it be printed and lie on the table.

The report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H. R. 9783) to provide a national budget system and an independent audit of Government accounts, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment as follows: In lieu of the matter proposed by the Senate amendment insert:

#### "TITLE I.—DEFINITIONS.

"SECTION 1. This act may be cited as the 'Budget and accounting act, 1920.'

"SEC. 2. When used in this act—

"The terms 'department and establishment' and 'department or establishment' mean any executive department, independent

commission, board, bureau, office, agency, or other establishment of the Government, including the municipal government of the District of Columbia, but do not include the legislative branch of the Government or the Supreme Court of the United States;

"The term 'the budget' means the budget required by section 201 to be transmitted to Congress;

"The term 'bureau' means the bureau of the budget;

"The term 'director' means the director of the bureau of the budget; and

"The term 'assistant director' means the assistant director of the bureau of the budget.

#### "TITLE II.—THE BUDGET.

"SEC. 201. The President shall transmit to Congress on the first day of each regular session, the budget, which shall set forth in summary and in detail:

"(a) Estimates of the expenditures and appropriations necessary in his judgment for the support of the Government for the ensuing fiscal year; except that the estimates for such year for the legislative branch of the Government and the Supreme Court of the United States shall be transmitted to the President on or before October 15 of each year, and shall be included by him in the budget without revision;

"(b) His estimates of the receipts of the Government during the ensuing fiscal year, under (1) laws existing at the time the budget is transmitted and also (2) under the revenue proposals, if any, contained in the budget;

"(c) The expenditures and receipts of the Government during the last completed fiscal year;

"(d) Estimates of the expenditures and receipts of the Government during the fiscal year in progress;

"(e) The amount of annual, permanent, or other appropriations, including balances of appropriations for prior fiscal years, available for expenditure during the fiscal year in progress, as of November 1 of such year;

"(f) Balanced statements of (1) the condition of the Treasury at the end of the last completed fiscal year, (2) the estimated condition of the Treasury at the end of the fiscal year in progress, and (3) the estimated condition of the Treasury at the end of the ensuing fiscal year if the financial proposals contained in the budget are adopted;

"(g) All essential facts regarding the bonded and other indebtedness of the Government; and

"(h) Such other financial statements and data as in his opinion are necessary or desirable in order to make known in all practicable detail the financial condition of the Government.

"SEC. 202. (a) If the estimated receipts for the ensuing fiscal year contained in the budget, on the basis of laws existing at the time the budget is transmitted, plus the estimated amounts in the Treasury at the close of the fiscal year in progress, available for expenditure in the ensuing fiscal year, are less than the estimated expenditures for the ensuing fiscal year contained in the budget, the President in the budget shall make recommendations to Congress for new taxes, loans, or other appropriate action to meet the deficiency.

"(b) If the aggregate of such estimated receipts and such estimated amounts in the Treasury is greater than such estimated expenditures for the ensuing fiscal year, he shall make such recommendations as in his opinion the public interests require.

"SEC. 203. (a) The President from time to time may transmit to Congress supplemental or deficiency estimates for such appropriations or expenditures as in his judgment (1) are necessary on account of laws enacted after the transmission of the budget, or (2) are otherwise in the public interest. He shall accompany such estimates with a statement of the reasons therefor, including the reasons for their omission from the budget.

"(b) Whenever they reach an aggregate which, if they had been contained in the budget, would have required the President to make a recommendation under subdivision (a) of section 202, he shall thereupon make such recommendation as he may deem necessary.

"SEC. 204. (a) Except as otherwise provided in this act, the contents, order, and arrangement of the estimates of appropriations and the statements of expenditures and estimated expenditures contained in the budget or transmitted under section 203, and the notes and other data submitted therewith, shall conform to the requirements of existing law.

"(b) Estimates for lump-sum appropriations contained in the budget or transmitted under section 203 shall be accompanied by statements showing, in such detail and form as may be necessary to inform Congress, the manner of expenditure of such appropriations and of the corresponding appropriations for the fiscal year in progress and the last completed fiscal year. Such

statements shall be in lieu of statements of like character now required by law.

"SEC. 205. The President, in addition to the budget, shall transmit to Congress on the first Monday in December, 1921, for the service of the fiscal year ending June 30, 1923, only, an alternative budget, which shall be prepared in such form and amounts and according to such system of classification and itemization as is, in his opinion, most appropriate, with such explanatory notes and tables as may be necessary to show where the various items embraced in the budget are contained in such alternative budget.

"SEC. 206. No estimate or request for an appropriation and no request for an increase in an item of any such estimate or request, and no recommendation as to how the revenue needs of the Government should be met, shall be submitted to Congress or any committee thereof by any officer or employee of any department or establishment, unless at the request of either House of Congress.

"SEC. 207. There is created a bureau to be known as the bureau of the budget. There shall be in the bureau a director and an assistant director. The Secretary of the Treasury shall be the director and the assistant director shall be appointed by the President. The assistant director shall receive an annual salary of \$10,000 and shall perform such duties as the President may designate. During the absence or incapacity of the director or during a vacancy in the office of director, the President shall designate the Acting Secretary of the Treasury or the assistant director to act as director. The bureau, as may be directed by the President, shall prepare for him the budget, the alternative budget, and any supplemental or deficiency estimates, and to this end shall have authority to assemble, correlate, revise, reduce, or increase the estimates of the several departments or establishments.

"SEC. 208. (a) The director or assistant director, as may be determined by the President, shall appoint and fix the compensation of such attorneys and other employees and make such expenditures for rent in the District of Columbia, printing, binding, telegrams, telephone service, law books, books of reference, periodicals, stationery, furniture, office equipment, other supplies, and necessary expenses of the office, as Congress may from time to time provide.

"(b) No person appointed by the director or assistant director shall be paid a salary at a rate in excess of \$5,000 a year, and not more than four persons so appointed shall be paid a salary at the rate of \$5,000 a year.

"(c) All employees in the bureau whose compensation is at a rate less than \$5,000 a year shall be appointed in accordance with the civil-service laws and regulations.

"(d) The provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years, shall not apply during the fiscal year ending June 30, 1921, to the transfer of employees to the bureau.

"SEC. 209. The bureau shall make a detailed study of the departments and establishments for the purpose of enabling the president to determine what changes (with a view of securing greater economy and efficiency in the conduct of the public service) should be made in (1) the existing organization, activities, and methods of business of such departments or establishments, (2) the appropriations therefor, (3) the assignment of particular activities to particular services, or (4) the regrouping of services. The results of such study shall be embodied in a report or reports to the President, who may transmit to Congress such report or reports or any part thereof with his recommendations on the matters covered thereby.

"SEC. 210. The bureau shall prepare for the President a codification of all laws or parts of laws relating to the preparation and transmission to Congress of receipts and expenditures of the Government and of estimates of appropriations. The President shall transmit the same to Congress on or before January 1, 1922, with a recommendation as to the changes which, in his opinion, should be made in such laws or parts of laws.

"SEC. 211. The powers and duties relating to the compiling of estimates, now conferred and imposed upon the division of bookkeeping and warrants of the office of the Secretary of the Treasury, are transferred to the bureau. The Secretary of the Treasury may transfer to the bureau, at the rate of compensation received by them when this act takes effect, any officers or employees of such division who, in his opinion, are essential to the work of the bureau. The positions thus vacated shall not be filled and the appropriations therefor for the fiscal year ending June 30, 1921, shall lapse.

"SEC. 212. The bureau shall, at the request of any committee of either House of Congress having jurisdiction over revenue



or appropriations, furnish the committee such aid and information as it may request.

"Sec. 213. Under such regulations as the President may prescribe, (1) every department and establishment shall furnish to the bureau such information as the bureau may from time to time require, and (2) the director and the assistant director, or any employee of the bureau when duly authorized, shall, for the purpose of securing such information, have access to, and the right to examine, any books, documents, papers, or records of any such department or establishment.

"Sec. 214. (a) The head of each department and establishment shall designate an official thereof as budget officer therefor, who, in each year under his direction and on or before a date fixed by him, shall prepare the departmental estimates.

"(b) Such budget officer shall also prepare, under the direction of the head of the department or establishment, such supplemental and deficiency estimates as may be required for its work.

"Sec. 215. The head of each department and establishment shall revise the departmental estimates and submit them to the bureau on or before September 15 of each year. In case of his failure so to do the President shall cause to be prepared such estimates and data as are necessary to enable him to include, in the budget, estimates and statements in respect to the work of such department or establishment.

"Sec. 216. The departmental estimates and any supplemental or deficiency estimates submitted to the bureau by the head of any department or establishment shall be prepared and submitted in such form, manner, and detail as the President may prescribe.

"Sec. 217. For expenses of the establishment and maintenance of the bureau there is appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$225,000, to continue available during the fiscal year ending June 30, 1921.

#### "TITLE III.—GENERAL ACCOUNTING OFFICE.

"Sec. 301. There is created an establishment of the Government, to be known as the general accounting office, which shall be independent of the executive departments and under the control and direction of the comptroller general of the United States. The offices of Comptroller of the Treasury and Assistant Comptroller of the Treasury are abolished, to take effect July 1, 1920. All other officers and employees of the office of the Comptroller of the Treasury shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1920, and all books, records, documents, papers, furniture, office equipment, and other property of the office of the Comptroller of the Treasury shall become the property of the general accounting office. The comptroller general is authorized to adopt a seal for the general accounting office.

"Sec. 302. There shall be in the general accounting office a comptroller general of the United States and an assistant comptroller general of the United States, who shall be appointed by the President, with the advice and consent of the Senate, and shall receive salaries of \$10,000 and \$7,500 a year, respectively. The assistant comptroller general shall perform such duties as may be assigned to him by the comptroller general, and during the absence or incapacity of the comptroller general, or during a vacancy in that office, shall act as comptroller general.

"Sec. 303. The comptroller general and the assistant comptroller general shall hold office during good behavior, but may be removed at any time by concurrent resolution of Congress after notice and hearing when, in their judgment, the comptroller general or assistant comptroller general is incapacitated or inefficient, or has been guilty of neglect of duty, or of malfeasance in office, or of any felony or conduct involving moral turpitude, and for no other cause and in no other manner, except by impeachment. Any comptroller general or assistant comptroller general removed in the manner herein provided shall be ineligible for appointment to either of such offices. When a comptroller general or assistant comptroller general attains the age of 70 years he shall be retired from his office.

"Sec. 304. All powers and duties now conferred or imposed by law upon the Comptroller of the Treasury or the six auditors of the Treasury Department, and the duties of the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury relating to keeping the personal ledger accounts of disbursing and collecting officers, shall, so far as not inconsistent with this act, be vested in and imposed upon the general accounting office, and be exercised without direction from any other officer. The balances certified by the comptroller general shall be final and conclusive upon the executive branch of the Government. The revision by the comptroller general of settlements made by the six auditors shall be discontinued, except as to settlements made before July 1, 1920.

"Sec. 305. Section 236 of the Revised Statutes is amended to read as follows:

"Sec. 236. All claims and demands whatever by the United States or against them, and all accounts whatever in which the United States are concerned, either as debtors or creditors, shall be settled and adjusted in the general accounting office."

"Sec. 306. All laws relating generally to the administration of the departments and establishments shall, so far as applicable, govern the general accounting office. Copies of any books, records, papers, or documents, and transcripts from the books and proceedings of the general accounting office, when certified under its seal, shall be admitted as evidence with the same effect as the copies and transcripts referred to in sections 882 and 886 of the Revised Statutes.

"Sec. 307. The comptroller general may provide for the payment of accounts or claims adjusted and settled in the general accounting office, through disbursing officers of the several departments and establishments, instead of by warrant.

"Sec. 308. The duties now appertaining to the Division of Public Moneys of the office of the Secretary of the Treasury so far as they relate to the covering of revenues and repayments into the Treasury, the issue of duplicate checks and warrants, and the certification of outstanding liabilities for payment, shall be performed by the Division of Bookkeeping and Warrants of the office of the Secretary of the Treasury.

"Sec. 309. The comptroller general shall prescribe the forms, systems, and procedure for administrative appropriation and fund accounting in the several departments and establishments, and for the administrative examination of fiscal officers' accounts and claims against the United States. He shall submit periodically to Congress reports upon the adequacy and effectiveness of the administrative examination of accounts and claims in the respective departments and establishments and upon the adequacy and effectiveness of departmental inspection of the offices and accounts of fiscal officers.

"Sec. 310. The offices of the six auditors shall be abolished, to take effect July 1, 1920, but the then incumbents of those offices shall be transferred, at their present salaries, to become officers of the general accounting office. All other officers and employees of these offices shall become officers and employees in the general accounting office at their grades and salaries on July 1, 1920. All books, records, documents, papers, furniture, office equipment, and other property of these offices, and of the Division of Bookkeeping and Warrants so far as they relate to the work of such division transferred by section 304, shall become the property of the general accounting office. The general accounting office shall occupy temporarily the rooms now occupied by the office of the Comptroller of the Treasury and the six auditors.

"Sec. 311. (a) The comptroller general shall appoint, remove, and fix the compensation of such attorneys and other employees in the general accounting office as may from time to time be provided for by Congress.

"(b) All such appointments, except to positions carrying a salary at a rate of more than \$5,000 a year, shall be made in accordance with the civil-service laws and regulations.

"(c) No person appointed by the comptroller general shall be paid a salary at a rate of more than \$6,000 a year, and not more than four persons shall be paid a salary at a rate of more than \$5,000 a year.

"(d) Until March 5, 1921, no person who at the time of the passage of this act holds office as one of the six auditors, and who in pursuance of section 310 is transferred to the general accounting office, shall be removed from office or have his compensation reduced, except for cause.

"(e) All officers and employees of the general accounting office, whether transferred thereto or appointed by the comptroller general, shall perform such duties as may be assigned to them by him.

"(f) All official acts performed by such officers or employees specially designated therefor by the comptroller general shall have the same force and effect as though performed by the comptroller general in person.

"(g) The comptroller general shall make such rules and regulations as may be necessary for carrying on the work of the general accounting office, including rules and regulations concerning the admission of attorneys to practice.

"Sec. 312. (a) The comptroller general shall investigate, at the seat of government or elsewhere, all matters relating to the receipt and disbursement of public funds, and shall make to the President when requested by him, and to Congress at the beginning of each regular session, a report in writing of the work of the general accounting office, containing recommendations concerning the legislation he may deem necessary to facilitate the prompt and accurate rendition and settlement of accounts and concerning such other matters relating to the

receipt and disbursement of public funds as he may think advisable. In such regular report, or in special reports at any time when Congress is in session, he shall make recommendations looking to greater economy or efficiency in public expenditures.

"(b) He shall make such investigations and reports as shall be ordered by either House of Congress or by any committee of either House having jurisdiction over revenue, appropriations, or expenditures. The comptroller general shall also, at the request of any such committee, direct assistants from his office to furnish the committee such aid and information as it may request.

"(c) The comptroller general shall specially report to Congress every expenditure or contract made by any department or establishment in any year in violation of law.

"SEC. 313. All departments and establishments shall furnish to the comptroller general such information regarding the powers, duties, activities, organization, financial transactions, and methods of business of their respective offices as he may from time to time require of them; and the comptroller general, or any of his assistants or employees when duly authorized by him, shall, for the purpose of securing such information, have access to and the right to examine any books, documents, papers, or records of any such department or establishment. The authority contained in this section shall not be applicable to expenditures made under the provisions of section 291 of the Revised Statutes.

"SEC. 314. The Civil Service Commission shall establish an eligible register for accountants for the general accounting office, and the examinations of applicants for entrance upon such register shall be based upon questions approved by the comptroller general.

"SEC. 315. (a) All appropriations for the fiscal year ending June 30, 1921, for the offices of the Comptroller of the Treasury and the six auditors, are transferred to and made available for the general accounting office.

"(b) During such fiscal year the comptroller general, within the limit of the total appropriations available for the general accounting office, may make such changes in the number and compensation of officers and employees appointed by him or transferred to the general accounting office under this act as may be necessary.

"(c) There shall also be transferred to the general accounting office such portions of the appropriations for rent and contingent and miscellaneous expenses, including allotments for printing and binding, made for the Treasury Department for the fiscal year ending June 30, 1921, as are equal to the amounts expended from similar appropriations during the fiscal year ending June 30, 1920, by the Treasury Department for the offices of the Comptroller of the Treasury and the six auditors.

"(d) During the fiscal year ending June 30, 1921, the appropriations and portions of appropriations referred to in this section shall be available for salaries and expenses of the general accounting office, including payment for rent in the District of Columbia, traveling expenses, the purchase and exchange of law books, books of reference, and for all necessary miscellaneous and contingent expenses.

"SEC. 316. The general accounting office shall not be construed to be a bureau or office created since January 1, 1916, so as to deprive employees therein of the additional compensation allowed civilian employees under the provisions of section 6 of the legislative, executive, and judicial appropriation act for the fiscal year ending June 30, 1921, if otherwise entitled thereto.

"SEC. 317. The provisions of law prohibiting the transfer of employees of executive departments and independent establishments until after service of three years, shall not apply during the fiscal year ending June 30, 1921, to the transfer of employees to the general accounting office.

"SEC. 318. This act shall take effect July 1, 1920, but appointments to offices herein created may be made prior to that date, to take effect July 1, 1920."

And the Senate agree to the same.

MEDILL McCORMICK,  
REED SMOOT,

HENRY W. KEYES,  
F. M. SIMMONS,  
ANDRIEUS A. JONES,

*Managers on the part of the Senate.*

JAMES W. GOOD,  
P. P. CAMPBELL,  
MARTIN B. MADDEN,  
JOSEPH W. BYRNS,  
JNO. N. GARNER,

*Managers on the part of the House.*

#### UTAH-IDAHO SUGAR CO.

Mr. SMOOT. Mr. President, I desire to mention a matter of a personal character. On last Monday I called the attention of the Senate to certain telegrams which I have received in respect to the Utah-Idaho Sugar Co. prosecution. Mr. Huston Thompson, acting chairman of the Federal Trade Commission, in answer to the statement which I made on the floor of the Senate, has written me a letter and asked me if I would not have it placed in the Record to-day. I am very glad to do so. In passing I wish to say that in this letter I am informed that Mr. Beer, upon the receipt of the telegram from Mr. Sanders that I objected to and read to the Senate last Monday, immediately wired this man Sanders, and his telegram is as follows:

GEORGE E. SANDERS,

193 First Avenue, Salt Lake City, Utah:

Commission not interested in political situation. Must take up Grants Pass matters as soon as I reach there Wednesday or Thursday of next week. Your attendance will be imperative regarding books and other matters relating to that situation.

There is further explanation in the letter of the whole question and I ask that it be inserted in the Record without reading.

There being no objection, the letter was ordered to be printed in the Record, as follows:

FEDERAL TRADE COMMISSION,

Washington, May 25, 1920.

HON. REED SMOOT,

United States Senate, Washington, D. C.

MY DEAR SENATOR SMOOT: The attention of the commission has been called to a "personal explanation" by you in respect to the Utah-Idaho Sugar Co., made on the floor of the Senate on Monday, May 24, and set forth on page 7507 of the CONGRESSIONAL RECORD of the same date.

In your statement you say in part:

"When any department of our Government undertakes to secure the defeat or the election of a United States Senator through an investigation of the affairs of a sugar company it is time that such a contemptible practice be called to the attention of the public.

"I am positive the honest people of this country will not approve of any such rotten politics. This very thing is taking place in the State of Utah, and to prove this statement I have but to recite what has in the past and is taking place to-day.

"In the first place, I wish to go back some months when this unthinkable proposition was first brought to my attention by Gen. Richard W. Young during his visit to Washington as the attorney of the Utah-Idaho Sugar Co. He was here to learn, if possible, if there was any truth in the rumor that the Federal Trade Commission was going to make an investigation of the affairs of the Utah-Idaho Sugar Co.; and if so, upon what basis and for what reason. Think of my surprise when he told me that he had no doubt the investigation would be made some time before the next election, and among other causes assigned was the one that it would help to defeat me for reelection."

You then set forth two telegrams, one from Henry Ward Beer, an attorney for the Federal Trade Commission, dated Rigby, May 13, 1920, to one George Sanders (a witness for the commission), and the reply of the said Sanders, and you then say:

"Mr. President, this is the program, and I shall wait and see whether it meets with the approval of the members of the Federal Trade Commission or has received the sanction of the Attorney General. It begins to look to me as if Gen. Richard W. Young knew what he was talking about when shortly before his death he informed me what he heard was to take place in connection with an investigation of the Utah-Idaho Sugar Co. Gen. Young was one of the leading Democrats, if not the leading Democrat, in my State. Shame upon officials of a department of the Government if they have lent themselves to such action! I think I know the people of Utah well enough to know that this sort of politics will never be countenanced, and if the officials of Washington are acting in this matter upon the advice of politicians of the State of Utah, their action will not assist in any way in my defeat or their success."

In response to your statement, I beg leave to say that I have a very clear recollection of the visit of Gen. Richard W. Young, deceased, to Washington as the attorney of the Utah-Idaho Sugar Co., when he called at the commission's offices, in company with Senator KING, of Utah. There were present at the conference Senator KING, Gen. Young, Mr. Porter, chief counsel of the commission, and myself. Gen. Young had in his possession the amended complaint in the case of the Federal Trade Commission against the Utah-Idaho Sugar Co., the Amalgamated Sugar Co., E. R. Wooley, A. P. Cooper, and E. F. Cullen, which had been issued on September 2, 1919, and served on the respondents immediately thereafter, the issuance of which complaint undoubtedly caused the call of Gen. Young. The purpose



of Gen. Young was not to learn whether an investigation was to be made, but was to learn our method of procedure and the manner of conducting the trial, which practice was new to him. We had long since made the investigation, and the commission had issued the complaint, and the only matter before us at this conference was the question of the proceeding with the trial.

Before referring to the telegrams which you read into the RECORD, I wish to say that there has never been any delay on the part of the commission or its attorneys in the trial of this case. The only delays that have been granted thus far have been at the request of counsel for respondents.

The first telegram is as follows:

"GEORGE SANDERS,  
"Care of Dr. Snow, 60 First Avenue,  
"Salt Lake City, Utah:

"Expect to close; leaving here Saturday. What do you intend to do regarding Medford and Grants Pass proposed hearing? Wire me collect.

"BEER,  
"Federal Trade Commissioner."

This telegram was sent to Mr. Sanders because he was a witness for the commission whose examination in chief had been taken and the telegram referred to his proposed cross-examination, which was not to take place at his residence in Salt Lake City, but was to take place at Grants Pass or Medford, Oreg., because of certain voluminous receivership documents located there, to which it was necessary to have access.

The answer of Mr. Sanders was in the telegraphic form which you read into the RECORD, as follows:

"SALT LAKE CITY, UTAH, May 13, 1920.

"HENRY W. BEER,  
"Special Counsel, Federal Trade Commission,  
"Rigby, Idaho:

"Do not know what to advise you about proposed hearing at Grants Pass. Think you ought to have about three weeks from now. One of your investigators should be there a week in advance lining up witnesses. Do not be in too big hurry to finish your case, as public sentiment is fast changing and almost entirely for Government prosecution. Sugar magnates anxious for you to get through. Palmer should keep you on job. If you keep a going for two months, it will cost Smoot his Senate seat. Better kill some time with Washington authority. Ogden to-morrow.

"G. E. SANDERS."

Immediately, and on the same day as the receipt of the telegram from Mr. Sanders, Mr. Beer wired him as follows:

"RIGBY, IDAHO, May 14, 1920.

"GEORGE E. SANDERS,  
"103 First Avenue, Salt Lake City, Utah:

"Commission not interested in political situation. Must take up Grants Pass matters as soon as I reach there Wednesday or Thursday of next week. Your attendance will be imperative regarding books and other matters relating to that situation."

The commission received this morning a telegram from Mr. Beer without having had any communication with him since your statement on the floor of the Senate yesterday. As this telegram is responsive to your inquiry as to the position of the Federal Trade Commission, I take the liberty of quoting it in full:

"MEDFORD, OREG., May 24, 1920.

"CLAUDE R. PORTER,  
"Chief Counsel Federal Trade Commission,  
"Washington, D. C.:

"Hon. REED SMOOT's telegram just published in Medford, Oreg., paper. You should know facts. Sanders testified against respondent sugar companies in Salt Lake City. Part of his cross-examination deferred to resume at Grants Pass or Medford, Oreg., because of certain voluminous receivership documents located here. I wired Sanders regarding his presence and sent him subpoena to appear in Medford, Oreg.

"When I received the following message:

"2 § CA 109 collect NL.

"SALT LAKE CITY, UTAH, May 13, 1920.

"HENRY W. BEER,  
"Special Counsel Federal Trade Commission,  
"Rigby, Idaho:

"Do not know yet what to advise you about proposed hearing at Grants Pass. Think you ought to have it about three weeks from now. One of your investigators should be there week in advance lining up witnesses. Don't be in too big a

hurry to finish your case, as public sentiment is fast changing and almost entirely for Government prosecution. Sugar magnates anxious for you to get through. Palmer should keep you on job. If you keep this a going for two months it will cost Smoot his Senate seat. Better kill some time with Washington authority. Ogden to-morrow.

"905 A. MAY 14, 1920."

"As soon as I could get to telegraph office I replied:

"RIGBY, IDAHO, May 14, 1920.

"GEORGE E. SANDERS,  
"103 First Avenue, Salt Lake City, Utah:

"Commission not interested in political situation. Must take up Grants Pass matters as soon as I reach there Wednesday or Thursday of next week. Your attendance will be imperative regarding books and other matters relating to that situation."

"Telegraph operator informed Beet Growers' Sugar Co., one of complainants against Utah-Idaho Sugar Co., that Government messages were being interfered with and I advised obtaining signed statement from operator Carney, which also follows:

"May 13, 1920, I received a telegram from Henry Ward Beer, and while I was copying this message I noticed that Joe Jones, special agent for the Oregon Short Line, was standing behind me, I think reading it as I copied it. May 16, 1920, Joe Jones called at the office to look over some papers regarding a rug missing in a shipment. As no one is here during the noon hour on Sunday, Mr. Jones asked me to leave the keys to the station with him. I was about to take the key to the office off of the ring when he told me to let him have all of them, as they wouldn't be so apt to get lost. I handed him all the keys. The agent, cashier, and myself went to dinner. I returned about 15 minutes after and found Mr. Jones looking over the Western Union messages. Soon as he saw me he put them back soon as possibly could. After he got over his nervousness he asked me if I had a copy of the message that was received for Mr. Beer May 14. I had a copy of the message that was received for Mr. Beer May 13. I told him I had a copy of every message received or sent and told him that it was in the messages he was looking at when I came in. He then asked me to make him a copy and I refused to do so, as I didn't think he had a right to have same. After a little arguing he said all right, don't do it.

"(Signed) THOS. J. CARNEY."

"Please note the dates. My telegram to Sanders was in the same bunch of messages with the Sanders telegram. Jones, who is not a Western Union employee, has deliberately concealed the facts as far as I am concerned. Trial is being conducted with absolute fairness to both sides, and not a breath of politics has been used directly or indirectly in connection with the hearings. Sanders but 1 of about 75 witnesses called so far for complainant. Senator Smoot's name not mentioned in testimony or exhibits except in list of stockholders Utah-Idaho Sugar Co.

"HENRY WARD BEER,  
"Special Counsel."

In reply to Mr. Beer's telegram, our chief counsel, Mr. Porter, sent immediately the following message this morning:

"FEDERAL TRADE COMMISSION,  
"Washington, May 25, 1920.

"HENRY WARD BEER,  
"Medford, Oreg.:

"Telegram received. Proceed with case with reasonable expedition and in usual course.

"PORTER, Chief Counsel."

In closing I wish to assure you, as is evidenced by the telegrams and statements in this letter, that the commission has always rigorously refrained, and has so advised its employees, from taking any part in any matters of a political nature in its investigations and trials of cases or other matters before it.

Cordially, yours,

HUSTON THOMPSON,  
Acting Chairman.

#### PAY OF GOVERNMENT EMPLOYEES.

Mr. THOMAS. Mr. President, I rise to a question of parliamentary procedure. House bill 5726 was passed on Monday last, when the calendar was called. Since then a number of Senators have been informed of the results of the operation of the bill, and if the information is well founded, and I think it is, the Senate should correct its action if possible.

The Senator from South Carolina [Mr. DIAL] for that purpose prepared a motion for a reconsideration of the bill, or gave notice that he would, within the 48 hours prescribed under the rule. My purpose in rising is to inquire if the pendency of the

motion will hold the bill in the Senate until it can be disposed of. There is a ruling to that effect in our procedure, but I am informed that on other occasions, although I can find no record of it, it has been decided that the motion must be both made and considered within the prescribed period. If that is true, it is of the greatest importance that the motion should be disposed of to-day. If it is not true, then, of course, it is not so important.

I was requested to bring the matter to the attention of the Chair before the hour of 5 o'clock, at which time, under the unanimous-consent agreement, the Senate stands in recess.

The VICE PRESIDENT. The Chair thinks that the Senator from Colorado does not accurately state the record.

Mr. THOMAS. I am stating it from hearsay.

The VICE PRESIDENT. The Chair is informed that the Senator from South Carolina did not enter a motion to reconsider. He rose and gave notice that he would enter a motion to reconsider. This is the rule:

When a question has been decided by the Senate, any Senator voting with the prevailing side may, on the same day or on either of the next two days of actual session thereafter, move a reconsideration.

The Chair is of the opinion that if a motion to reconsider be made on the day the action is taken, or within the next two days of actual session, it is not necessary that it be decided at that time, but any Senator can call it up at any proper time and have it decided.

Mr. THOMAS. Then I submit a motion to reconsider. I had been informed that the motion had been made.

The VICE PRESIDENT. The Secretary will state the motion.

The READING CLERK. The Senator from Colorado [Mr. THOMAS] submits a motion to reconsider the vote by which the bill (H. R. 5726) to fix the compensation of certain employees of the United States was passed on Monday, the 24th instant.

The VICE PRESIDENT. The motion to reconsider will be entered.

#### AMENDMENT OF THE RULES.

Mr. KNOX. I desire to give notice that it is my intention to propose an amendment to the Standing Rules of the Senate, Rule XXV, to the extent and in the manner indicated by the notice. I ask that it be read.

The notice was read, as follows:

1. Beginning with the Sixty-seventh Congress, the following standing committees shall be appointed at the commencement of each Congress, with leave to report by bill or otherwise:

Committee on Agriculture and Forestry, to consist of 15 Senators.

Committee on Appropriations, to consist of 15 Senators.

Committee to Audit and Control the Contingent Expenses of the Senate, to consist of five Senators, to which shall be referred all resolutions directing the payment of money out of the contingent fund of the Senate or creating a charge upon the same.

Committee on Banking and Currency, to consist of 13 Senators.

Committee on Civil Service, to consist of 11 Senators.

Committee on Claims, to consist of 13 Senators.

Committee on Commerce, to consist of 15 Senators.

Committee on the District of Columbia, to consist of 13 Senators.

Committee on Education and Labor, to consist of 11 Senators.

Committee on Engrossed and Enrolled Bills, to consist of 3 Senators, which shall examine all bills, amendments, and joint resolutions before they go out of the possession of the Senate, and which shall have power to act jointly with the same committee of the House of Representatives, and which, or some one of which, shall examine all bills or joint resolutions which shall have passed both Houses, to see that the same are correctly enrolled, and, when signed by the Speaker of the House and President of the Senate, shall forthwith present the same, when they shall have originated in the Senate, to the President of the United States in person, and report the fact and date of such presentation to the Senate.

Committee on Expenditures in the Executive Departments, to consist of 7 Senators.

Committee on Finance, to consist of 15 Senators.

Committee on Foreign Relations, to consist of 15 Senators.

Committee on Immigration, to consist of 11 Senators.

Committee on Indian Affairs, to consist of 11 Senators.

Committee on Inter-oceanic Canals, to consist of 11 Senators.

Committee on Interstate Commerce, to consist of 15 Senators.

Committee on Irrigation and Reclamation of Arid Lands, to consist of 11 Senators.

Committee on the Judiciary, to consist of 15 Senators.

Committee on the Library, to consist of 7 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

Committee on Manufactures, to consist of 11 Senators.

Committee on Military Affairs, to consist of 15 Senators.

Committee on Mines and Mining, to consist of 9 Senators.

Committee on Naval Affairs, to consist of 15 Senators.

Committee on Patents, to consist of 7 Senators.

Committee on Pensions, to consist of 11 Senators.

Committee on Post Offices and Post Roads, to consist of 15 Senators.

Committee on Printing, to consist of 7 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

Committee on Privileges and Elections, to consist of 13 Senators.

Committee on Public Buildings and Grounds, to consist of 13 Senators, which shall have power to act jointly with the same committee of the House of Representatives.

Committee on Public Lands and Surveys, to consist of 13 Senators.

Committee on Rules, to consist of 12 Senators.

Committee on Territories and Insular Possessions, to consist of 13 Senators.

2. The Committees to Audit and Control the Contingent Expenses of the Senate, on Printing, and on the Library shall continue and have the power to act until their successors are appointed.

#### RECESS.

The VICE PRESIDENT (at 5 o'clock p. m.). In accordance with the unanimous-consent agreement, the Senate now stands in recess until 7.30 o'clock this evening.

#### EVENING SESSION.

The Senate reassembled at 7 o'clock and 30 minutes p. m., on the expiration of the recess.

The PRESIDING OFFICER (Mr. CURTIS in the chair). Under the unanimous-consent agreement, entered into yesterday, the session this evening is to be devoted exclusively to the consideration of the report of the special committee appointed to investigate the public-school system in the District of Columbia.

#### DISTRICT PUBLIC-SCHOOL SYSTEM.

Mr. HARRISON. Mr. President, I desire to address the Senate on the report that was filed this afternoon by the Select Committee on School Investigation. I requested that the Senate convene to-night so that the remarks I might make, and the time of the Senate consumed, would not interfere with the passage of the appropriation bills and delay the adjournment or recess of Congress.

I know that the Senate is so much occupied with general legislation that I, in common with the rest of Congress, do not give to the affairs of the District that degree of consideration that the District sometimes deserves; but the committee that was appointed by the Senate to investigate the school situation had such a large task before it and devoted so much time to its consideration that the committee felt that at least the testimony which came out before the committee should be analyzed in order that the Record of Congress might show it. So I approach this subject only with the desire of backing up, so far as my opinion is concerned, the report of the committee, and to lay the cards on the table, so to speak, in a candid and frank statement, to show the reasons for my action.

To-morrow it is to be hoped that the action of the Senate will be taken touching a matter that has been before it for some time, and in which the District of Columbia is vitally interested, namely, either the confirmation or the rejection of one of the commissioners of the District.

In discussing this report, I desire to say that while the committee was unanimous in its findings, there was much that I would have desired to go into the report that did not go into it, and there are some things in the report which, if it had been left to me entirely, would have been written in a different phraseology; but the committee wanted to get together in a unanimous report, and what that report contains is the unanimous judgment of the five Senators who composed the committee.

In the report the committee said that the salaries of the teachers in the District of Columbia were in their opinion inadequate; and while during the war, to meet the abnormal conditions confronting the teaching fraternity in Washington, the Congress had been liberal to a very marked extent in increasing the salaries of the teachers, it had not, in the opinion of the committee, increased the salaries sufficiently to meet the conditions that confront them to-day.

It would seem that in every other trade and calling, in every other line of work, the compensation of persons who labor for wages has been increased very greatly more than in the teaching fraternity, and that applies not only to the District of Columbia but throughout the United States. It is not infrequent that we pick up a paper and read that plumbers are demanding \$10 a day, and I read in one paper where in Chicago they were even requiring from those for whom they worked an automobile to carry them to and from work. The wages of employees in households have been increased two and three and four hundred per cent because of war conditions, but the salaries of the teaching fraternity have not been increased proportionately.

It was shown to the committee that while before the war there were about 80 resignations each year in the teaching force in the District, during the war the number of resignations ranged as high as 250 during the year. About the same proportion applied to the janitorial force, to the engineers' force, and other employees of the public-school system. In the case of the janitors, for instance, in 1918, out of 286, 110 resigned; and in 1919, out of 286, 103 resigned. This year already about 50 have resigned, keeping up the proportion of the prior two years.



These people have resigned in the janitorial force and resigned in the teachers' force because of the inadequate pay, and because in other fields of work the opportunities were greater for increased salaries and higher compensation; and so, in the opinion of the committee, it is vitally necessary, if the teaching force of the District is to continue on a high standard and to be kept on a high level, that an adequate increase should be made to meet the present-day conditions.

So they recommended as a basis for increase that the report of the Joint Reclassification Commission, recently made to Congress, should be a basis on which the Congress might proceed. That commission went fully into the question of the salaries of all the District employees, including the janitorial force and the teachers' force, and it would seem that that report, so far as it pertained to the teachers and the janitors, should be adopted and the increase proportionately made by the Congress.

I regretted to-day to see the sundry civil bill pass so rapidly, because I had some hope that perhaps we might get the increases on that bill. I understand, however, that it carries some increase. In the consideration of this question the committee found, too, that in the lower classes the teaching force was not paid in proportion to the teaching force in the higher classes, and that a proportionately greater increase should be made to those teachers teaching the lower classes than to those in the higher classes.

The committee found that the present policy of appointing teachers in the District permanently was not a very good policy; that at times it was found very difficult to rid the system of an undesirable teacher, or one that in the opinion of the school authorities was inefficient. That was very glaringly brought out in a certain case to which I shall allude later on in my remarks; so the committee thought for a while of recommending to Congress an amendment of the law that would provide for the appointment of teachers for only one year, and providing for their reappointment if they proved efficient. We thought that would have a tendency to influence the teachers to do their best work, and would serve notice upon them that if they should fail in the discharge of their duties they would not meet the approval of the superintendent and the board of education during the coming year.

Why, for certain reasons teachers in the schools here can stay away for two years, and then come back into the system and have a prior right to take their old places. The committee did not believe that that was advisable and that that is a good policy, and it is hopeful that the board of education will adopt a policy that will remedy that situation, or, if necessary, that the Congress shall amend the law.

In the report we say that the superintendent and the board of education should have the right to dismiss at any time any teacher for the good of the service.

Sirs, there is one case when the board of education and the superintendent thought advisable to dismiss for the good of the service, or to suspend for a few days, and it aroused the unions, so called, among the teachers. They protested; they went into their pockets; they raised money; they employed an attorney; they enjoined the board; they tried out the case in the courts. While there is nothing in this report touching unionism among the teachers in Washington, I regret that it is not. If I could have had my way I would have written into this report a recommendation that the Congress pass a law that no one teaching in the school system of Washington could belong to any union or society or association that is affiliated with any outside organization which believes in the strike to enforce its demands. But the committee was divided on that question, and so we left it out.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Illinois?

Mr. HARRISON. I yield.

Mr. SHERMAN. Does the Senator think it will violate the proprieties if he states why some of those disputed matters were omitted from the report?

Mr. HARRISON. Before the Senator came in I stated that there were many matters left out which various members of the committee very much desired to have placed in it, but in order for us all to get together unanimously on a report, many of us surrendered our individual convictions touching such matters in this report, in order to present a unanimous report.

Mr. SHERMAN. If the Senator will permit me, I would like further to say that I join with him in the statement he has made referring to affiliation with outside organizations of teachers, and express my conviction that the Senator has taken the only view which ultimately will secure the proper results in this or any other school system. I make this statement in

view not only of the hearings but in view of our experiences in other parts of the United States. Wherever that outside affiliation has been permitted, it has resulted in a total destruction of discipline in many of the schools.

Mr. HARRISON. Yes; the Senator took that stand, and he and I agreed on that proposition absolutely, and when I took the position touching unions among the teachers it was quite inconsistent with the position I have taken touching unions generally. I know of no piece of legislation that has come before the American Congress, either while I was a Member of the House or of the Senate, in regard to which I did not stand with them when I felt that their demands were reasonable.

I opposed an amendment offered by the Senator from Montana [Mr. MYERS] which sought to divorce employees in the Government service from the Government service when they belonged to organizations or unions which were affiliated with outside organizations that believed in the strike to enforce their demands. I once made a point of order against such an amendment. I realize that there is a great difference of opinion on that proposition. But I feel kindly to labor; I feel kindly to organized labor; but I believe there is one place in this country where organized labor has no part, and that is in the teaching of the children of the land. I believe that there is such a difference of opinion among the people of the United States touching labor organizations, with disputes constantly arising, that when the teaching force of the land becomes affiliated with those organizations, and disputes and controversies arise, union teachers would be likely to try to influence the minds of the young children to the views that they entertained.

So, as schools are maintained out of the Public Treasury, for the public good, without respect to race, class, or distinction, it would seem to me that every cause should be removed that might lead part of our people to lose confidence in the system to which they are contributing. It is for that reason, and that reason alone, that I oppose teachers belonging to unions which are affiliated with outside organizations that believe in the strike to enforce their demands. There are some parents who have such strong convictions against organized labor that they do not desire their children to go to a public school taught by a teacher who believes in those things and is affiliated with such organizations.

Of course they can organize; of course they may have their unions, they may have their associations, and their fraternities, because I know, and you know, that every class of people have found it necessary to organize in order to protect their own interests. Merchants have their organizations, manufacturers have their associations, farmers have their unions, laborers have, and teachers might. But when teachers form their associations for their own protection and to present their views they should stop there and not go so far as to affiliate themselves with some organization outside which believes in the strike to enforce its demands.

When this particular teacher, Miss Wood, was suspended by the board of education from the public-school system here because she was charged in 12 or 14 counts of believing in or teaching bolshevistic doctrines, and in other things to which I will refer later, the teachers, through their union, wrote this letter to the president of the board of education:

HIGH SCHOOL TEACHERS' UNION,  
HEADQUARTERS MCKINLEY HIGH SCHOOL,  
Washington, D. C., March 22, 1919.

Mr. GEORGE E. HAMILTON,  
President of the Board of Education,  
Washington, D. C.

MY DEAR MR. HAMILTON: The executive committees of the High School Teachers' Union and Grade Teachers' Union have asked that we communicate with you in regard to the suspension of Miss Alice Wood.

We are interested both in the manner of her suspension and the grounds upon which it was based. It seems to be a matter of so much concern to all the teachers that we respectfully request to be fully informed on the following points:

1. What was the charge, if any, against Miss Wood?
2. Was Miss Wood informed of the charge and given the opportunity to reply to this charge before the board?
3. If there was a committee report on the matter, what was the action?
4. What was the action of the board?

We feel that it is due the teachers that they receive full information on a matter which so vitally concerns them.

Respectfully, yours,

Alice Deal,  
President High School Teachers' Union.  
CLARA K. STUTZ,  
President Grade Teachers' Union.

So when they made that demand and received their reply they went out and employed counsel, put their proceedings in the courts, and fought it out, and brought such pressure on certain members of the board of education that the board failed to appeal the case to a higher court.

That is not all. Mr. Thurston testified, talking about the unions:

Mr. THURSTON. Part of their plan to which I did take exceptions was the selection of principals of buildings by their recommendation of several people from whom the superintendent should select.

Senator HARRISON. You say that Dr. Van Schaick had been in constant communication with the unions?

Mr. THURSTON. Constant touch.

Senator HARRISON. In constant touch with these leaders of the unions?

Mr. THURSTON. Yes.

Senator HARRISON. On what do you base that statement?

Mr. THURSTON. Through these letters he has submitted and showed by me, and constant references by Dr. Van Schaick in meetings and to me personally that Miss Deal wanted so-and-so, or he had been talking with Miss Deal.

Senator HARRISON. She is at the head of one of the unions?

Mr. THURSTON. She is at the head of the High School Teachers' Union.

Mr. THURSTON. I flatly disagreed with the union on their plan of selection of principals in grade schools and so on.

Senator WALSH. What was that plan of selection of principals?

Mr. THURSTON. They believed that the teachers in the school building should get together and nominate the principal of the building.

Senator WALSH. Have they actually made that suggestion to you?

Mr. THURSTON. They have not actually made it to me, but that was the suggestion that was included in some of their literature, to either directly select, or select two or three from whom the choice should be made. I claimed the administrative officer has a knowledge of teachers they never can have. A classroom teacher gets certain factors, perhaps, better than an administrative officer, but the administrative officer is bound to know the value of a teacher as an administrative officer or principal better than a lot of teachers could determine it.

Senator HARRISON. Why was it that the leaders of the union did not come to you about these matters, and would go to some one else?

Mr. THURSTON. The leaders of the union had worked steadily with Dr. Van Schaick. They do not approve of the present superintendent of schools.

So it is that they had such influence that they reversed the findings of the board and kept the board of education from appealing the case in which they had employed counsel to fight for one of the teachers belonging to the union, and going further by advocating the right to select the principals in the schools. The only way to stop it, in my opinion, is for the Congress to pass legislation which will prevent any of the teaching force from belonging to these unions which are affiliated with outside organizations. Such activity upon the part of the unions would eventually rob the superintendent and the board of the management of the schools and eventually destroy the system.

The committee, in its report, made certain recommendations touching buildings and playgrounds. We visited many of the schools in the city, and we found that in some instances there are school buildings as beautiful and as modern as can be found in any city of the Nation. The Central High School building is so attractive that, notwithstanding the Capitol and other beautiful and magnificent buildings, the equal of any in the world, this building compares most favorably with them. The Dunbar High School, the Armstrong Manual Training School, and the Miner Normal School are all wonderfully attractive buildings, modern and convenient in every way. But we found that there are many other buildings in the city that are old, antiquated, and incommensurate, where the sewerage is not proper, where the lighting is not sufficient, and where the playgrounds are inadequate—where children are stacked in and herded in such numbers that no teacher can possibly teach them properly. We found some classrooms in the city here where as many as 56 children were being taught by one teacher.

At the Dunbar High School and the Armstrong Manual Training School there is no playground at all, although there are thousands of pupils there. There is a plot of ground there that the Government can take over and buy, and the acquisition of which is most urgent and needed, and Congress should have made some arrangement to purchase a sufficient playground at that particular place if it were possible at this time.

The same thing is true of the Park View School. I mention these in particular. There are many other schools in the city where the playgrounds are inadequate and very much needed.

Mr. JONES of Washington. Mr. President—

The PRESIDING OFFICER. Does the Senator yield to the Senator from Washington?

Mr. HARRISON. I yield.

Mr. JONES of Washington. I wanted to ask the Senator whether the committee ascertained why estimates were not sent down to Congress, for instance, for the purchase of ample land at the Dunbar School? I know the situation there; I have visited it myself, and some of the members of the Committee on Appropriations have been urging the purchase of additional land for that school. The Senator from Kansas [Mr. CURTIS], who is now presiding, has taken a special interest in the matter, and we had hoped that in the sundry civil appropriation bill,

which we passed to-day, we would have been able to have a sufficient appropriation to buy the remainder of the block where that school is located, because we deem it very necessary. We found, when we came to consider the estimates, that estimates of only about half of the amount of money necessary to buy it had been sent down.

The Senator understands the rules under which we work with reference to appropriations. So we felt that rather than appropriate the amount of money which was estimated for it would be better to make no appropriation, in the hope that an estimate will be sent down at the next session of Congress ample to purchase the land which ought to be purchased. I just wondered whether the committee found out a reason why, or who is to blame for not sending down ample estimates.

Mr. HARRISON. No; the committee did not ascertain. We viewed these premises. We found that land was there that we could buy, and that if we did not buy it soon perhaps some one else would buy it, some other person or concern would purchase it. It is needed most urgently. Of course, the Congress can not make the appropriation if the estimate is not here. It is really very regrettable that estimates did not come in, so we could take some immediate steps toward acquiring those playgrounds.

When I first came to Washington, just being a country fellow, I was somewhat prejudiced against playgrounds, but I am now soundly convinced that it is economy in a city such as Washington for the Congress to make liberal appropriations to provide playgrounds, not only around the schools, but in the thickly populated parts of the city. When I was a boy there was no restriction to playgrounds, because there were forests we could roam through as far as we desired; but here in these dingy places, where children are restricted all day, where they are trying to develop their minds, and where, when they get out at recess, there is no place to play except on the streets, where they are threatened by being run over—as one, I believe, was run over at the Dunbar High School by an automobile—it is an outrage, and it is a shortsighted policy for the Congress not to make adequate appropriations for ample playgrounds throughout the city.

The next subject to which I desire to address myself is the friction on the board of education and between the board of education and the superintendent and other employees in the public-school system of the District.

When this resolution was introduced and the investigation was begun, none of us had any idea what was the real condition in the schools here. We knew there was a deplorable situation. We knew there was great criticism—that there was something wrong—but we did not know just what it was. So we went to work impartially, with open minds, to ascertain what was the real cause of the trouble. I think after the six or seven weeks of earnest labor upon the part of the committee there now remains in the minds of the members of the committee no doubt as to what is the real cause of this disturbing, discouraging, terrible condition in the school system.

The present superintendent, Mr. Thurston, was elected in 1913. He was reelected in 1917. Notice has been served on him by the present board of education that he will not be reelected this year. From 1913 to 1917, when he was reelected, harmony, as stated by the committee, prevailed in the public-school system of Washington. There was complete cooperation between the board of education and the superintendent. There were men on the board at that time who were leading citizens of the city, men of large business affairs, of splendid educational qualifications, of high ideals and high standing.

I wish to bring to the attention of the Senate the testimony of some of the men whose names are household words in Washington, who served from 1913 to 1917 with the present superintendent, when there was complete cooperation and harmony in the system. I know of no better way than to take their testimony as to the fitness and qualifications of the superintendent and then to analyze the conditions since 1917, to study and analyze the personnel of the board since the deplorable condition arose, in order that we may form our conclusions therefrom.

Mr. Henry P. Blair was a member of the board prior to 1916, when Dr. Van Schaick, the present president of the board, became a member of the board. Mr. Blair says, at page 819 of the hearings, that Thurston was elected because he was the best qualified man in the system. He had grown up in the system. He had been assistant superintendent in charge of the white schools. Mr. Blair goes on further and says:

About the middle of that renovation, if one may call it that, Dr. Davidson received the Pittsburgh election and determined that he had gone far enough with this problem here so that he could in fair-



ness leave the Washington schools, and yet there was a very considerable amount of work still to be done in connection with the business reorganization. That was successfully accomplished during the earlier years of Mr. Thurston's superintendency. It was problems of that character that had first to be dealt with. It seemed to me and it seemed to the board that he dealt with them efficiently.

After that was done we were feeling that the time had come when we could take up the other side of the work, if I may so call it, and go ahead with that. Mr. Thurston I always found in respect to these matters careful, conscientious, up to date, as far as I could see, examining propositions with caution and care rather than accepting them because somebody suggested they might be a nice thing to have in the Washington schools; good judgment as to what were fads and what were not fads, and as the growth and development, as it seemed to me, of the educational side of the school system was inaugurated and was being successfully carried on, starting with its beginnings about the time that my active service with the board ceased.

I felt that we had taken Mr. Thurston from the position of assistant superintendent, where his duties were confined to those assigned to him by the superintendent; that we had every reason to feel that he was growing and developing splendidly and that he was going to make an efficient and successful superintendent. I feel that he required cooperation. I feel that he required an opportunity to consult in a friendly spirit, not a hostile one, with the members of the board of education, and that he wanted that kind of cooperation, and if he had it that he was destined to grow and develop as I feel that he has, very much, since his original appointment.

I now desire to read to the Senate what Mr. William T. Galliher stated before the committee. He is another man who stands in the forefront among the citizenship of the District. About the only thing I know against him is that he is a Republican. You do not object to that, Senator SHERMAN?

Mr. SHERMAN. No.

Mr. HARRISON. Here is what Mr. Galliher says:

Senator HARRISON. Up until that time, while you were a member of the board, were the schools getting along in a fairly good way?

Mr. GALLIHER. They were.

Senator HARRISON. What was your opinion at that time, from your observation as a member of the board, of Mr. Thurston as superintendent of schools?

Mr. GALLIHER. I have always believed in Mr. Thurston's ability. He was a product of our own schools and had been a teacher for several years, and had been assistant superintendent since 1911, and in all the positions that he had occupied he had proven his ability and efficiency. The matter of the selection of some one within or without the system had been under consideration. The president of the board and the vice president had visited New York and had an interview with one or more persons there, and then returning to Washington and the school board, Mr. Thurston's election was determined on.

Now, I desire to read what Mr. John B. Larner said, another man who served on the board from 1913 to about 1917, who stands high in the city of Washington, and whose estimate of Mr. Thurston deserves consideration by the Senate. I read:

Mr. LARNER. The second reason was that for a long time, for several years, I had felt that I was not in sympathy with the ideas of the board in reference particularly to the school superintendent and to one or two other matters that came up besides that.

Senator DILLINGHAM. Since when have you felt so?

Mr. LARNER. I would say probably up to about the time that Dr. Van Schaick came on the board of education.

Senator DILLINGHAM. Going back at that time, when he came to the board, you had served how many years?

Mr. LARNER. I had served approximately four years beginning in 1912, and I think he came on the board in 1916.

Senator DILLINGHAM. I wish you would tell us in your own way what the conditions were during those four years, what problems the board were attempting to work out, how they were doing it, and generally what the conditions were in the board and in the schools.

Mr. LARNER. Mr. Blair was president of the board of education prior to that time. There is no better man in the city of Washington than Mr. Blair. I do not think there is any one in the city of Washington who understood the school system better than Mr. Blair. He is a perfect gentleman in all his dealings with everybody. His services as president of the board have been highly acceptable; they were to me and I think they were perhaps, to the majority of the board. I think that everything moved along in the ordinary way. We would have our troubles, a great many complaints about teachers, charges against teachers, and threatened investigations, and all that sort of thing. We have those always and always will have them. But there was no friction so far as I knew in reference to the work of the superintendent. I believe the schools were progressing in a fairly good way. I want to say that I think the schools are coming along very nicely now, so far as the schools themselves are concerned. Considering all that has taken place in the last two or three years, I think it is remarkable that we have been able to keep our school system together as well as we have.

Now, I desire to read what Mr. George E. Hamilton, another business man, a person of high education, testifies. He was a member of the board and testifies as to the qualifications of Mr. Thurston. He went on the board as a friend of Van Schaick. I read:

Senator HARRISON. What was your observation of Mr. Thurston during the time you were a member of the board?

Mr. HAMILTON. My observation of Mr. Thurston was that he was a most excellent man, a man who had grown up in the system and was developing every day. I did not know Mr. Thurston until I met him at the first meeting of the board that I attended in 1917. I knew that Mr. Thurston felt that I had come on the board as a friend of Dr. Van Schaick's and I thought the best thing to do would be to have a frank talk with him, so I sent for him. He came to my office, I think the day or two days after the first meeting. I said you have heard, no doubt, that I am here on the board at the suggestion of Dr. Van Schaick—

"At the suggestion of Dr. Van Schaick." As we go along in the discussion we will see that many of these members who took

the places of old members on the board were suggested by Dr. Van Schaick or were indorsed by him to the appointing power.

I said you have heard, no doubt, that I am here on the board at the suggestion of Dr. Van Schaick, and probably because of his desire I was elected vice president, and that I might share the feeling that was attributed to Dr. Van Schaick against you. I said I am entirely without prejudice. If you do your work as it should be done, you will have my cordial support and cooperation. Every superintendent should have the support and cooperation of the board. You are the executive officer in a large measure of this board, and I intend to stand behind you to the extent of my ability as long as matters are conducted as they should be conducted; and we talked very fully and frankly along those lines. My observation of Mr. Thurston was that he was an excellent man as superintendent of the schools, overcrowded with work, and a man who was oppressed by the dual duty of looking not only after the educational system proper but the physical side as well.

Mr. Ernest H. Daniel, who had served on the board from 1913 to 1917, and who was defeated in 1916 for president of the board by Dr. Van Schaick, was not in the city during the hearing and he did not testify before the committee, but the fact is that Mr. Daniel in 1917 voted for the reelection of Mr. Thurston as superintendent, thereby expressing himself that he held him in very high esteem as a superintendent of schools.

It is peculiarly strange that in 1917 those men on the board who voted for the reelection of Mr. Thurston have gradually been eliminated from the board and others have been placed in their stead; it is peculiarly strange also that in 1916, when Dr. Van Schaick was appointed on the board, and immediately sought the presidency of the board, or at least his friends placed his name there as a candidate for the presidency, those members of the board who voted against the election of Dr. Van Schaick as president have been gradually divorced from the system and others have been substituted in their stead. So by the process of elimination, during the past four years, those who did not agree with the policy and insisted on voting against the election of Dr. Van Schaick as president of the board and for the reelection of Thurston as superintendent have been separated from the public school system of Washington. Whether it is because the president of the board, Dr. Van Schaick, was so powerful and influential with the appointing power that his say controlled I can not state, but I will lay before the Senate the facts that appeared before the committee, and that was that the men who were appointed from 1916 until the present time have, in practically every instance, received the indorsement of Van Schaick for appointment, and in most instances the persons who were appointed did not seek the position until it was suggested to them by Dr. Van Schaick himself that they be appointed.

Appointments to the board of education come from the Supreme Court judges of the District, whose place and authority are such that they have no business in the world to mingle in such matters, and I can not believe that the Supreme Court judges desire to assume such a function. What business has the Supreme Court of the District of Columbia naming the board of education for the District of Columbia? Do they associate generally with the people? Do they study local conditions? Are not judges, by virtue of the very position that they hold, removed from the "common touch," dissociated from current events, secluded in the study of great and intricate judicial questions? But that authority was lodged with the Supreme Court judges of the District, and we find that since 1916 Dr. Van Schaick has been most popular and evidently influential with some members of the court.

Mr. HENDERSON. Mr. President—

The PRESIDING OFFICER. Does the Senator from Mississippi yield to the Senator from Nevada?

Mr. HARRISON. I yield.

Mr. HENDERSON. When the Senator refers to appointments having been made by the supreme court judges, he refers to the judges of the Supreme Court of the District of Columbia, does he not?

Mr. HARRISON. Yes. The old members of the board, who served from 1913 to 1917, except two—Mrs. Rhodes and Mrs. Cook—voted for the reelection of Thurston, and I want to discuss Mrs. Rhodes and Mrs. Cook a little later on.

In the election of the president of the board in July, 1916, the old members voted against Van Schaick, with but one exception, and that was Mrs. Rhodes. The only member now on the board who voted for Thurston in 1917 is Mrs. Gerry, and I shall show before I finish that she quickly changed her attitude toward Thurston and became the chief lieutenant of Dr. Van Schaick, the president of the board. [Laughter in the galleries.]

The PRESIDING OFFICER. Let there be order in the galleries. There must be no demonstrations of any kind on the part of occupants of the galleries.

Mr. HARRISON. Without analyzing the attitude of Dr. Simon and Dr. Neill, who became members of the board very

recently, let us discuss the attitude of the members of the board, especially those who opposed the reelection of Mr. Thurston. Let us first take up Mrs. Cook. Anyone who reads the testimony can see a thread running all through it that Dr. Van Schaick absolutely dominated one faction of the board. Van Schaick had but to whistle and—

Instant from copse and heath arose  
Bonnets and spears and bended bows.

His followers, like those of Roderick Dhu, started up in every direction, ready and eager to perform his bidding. I shall point out from the testimony that that description is not overdrawn.

Mrs. Cook is highly educated, a woman of fine poise, who under the fire of cross-examination took care of herself as well as any witness that I have ever seen on the witness stand, but anyone can see that Mrs. Cook was prejudiced against Thurston because she desired Bruce, the assistant superintendent of colored schools, to have greater authority in the school system. Time after time, instance after instance, in matters that came to their attention she would go over the head of the superintendent and either talk to the president of the board of education or to the assistant superintendent in charge of colored schools about matters which were solely within the jurisdiction of the superintendent himself. It was she who advocated that Bruce, the assistant superintendent of colored schools, should have a seat in the meetings of the board of education, although the law was silent on that point, and although the law had expressly given the right to the superintendent to sit in the meetings of the board of education and discuss with them questions, if need be, denying him only the right to a vote; it said nothing about the assistant superintendent of the white schools or the assistant superintendent of the colored schools being present at the meetings of the board of education. Yet this member of the board and Dr. Van Schaick and other members of the board extended the invitation that the assistant superintendent of the colored schools be admitted to the meetings of the board and there sit by the side of the superintendent, having, as they claimed, just as much right and authority and jurisdiction there as he. Of course, they based their action on the theory that the law says the assistant superintendent of the colored schools shall have sole charge of the colored schools, while the language of the law touching the assistant superintendent of the white schools does not say "sole charge." The law, however, expressly states that the superintendent may be permitted to attend all meetings of the board and denies him only the right of a vote, but it gives no such authority to the assistant superintendent of colored schools.

This member of the board voted against Thurston in 1917 and for Van Schaick against Daniels, although she had served with Daniels previous to 1917. Her whole attitude was in the direction of giving to Bruce greater power. She evidently thought she could carry out her plans through Van Schaick better than through Daniels. One had been tried out; the other had not.

I shall not detain the Senate to read from the hearings how she took matters up directly with Bruce, but when she was pressed for her reasons for her antagonism to Thurston, she cited what she called the Randall case, when the testimony, at page 571 of the hearings, discloses the fact that Bruce himself said in his report on the case, "I do not conceive that Syphax has what partisans are pleased to call a right to this temporary assignment because of his current rating as a principal of Bell and his paper record as a whole. I myself believe this rating question too high," and so forth; and further that when the recommendations of the superintendent, Mr. Thurston, who had indorsed a teacher by the name of Wilson, I believe, instead of Syphax, in the end, with perhaps one or two exceptions, were adopted, Dr. Johnson and Mrs. Cook alone voted against the recommendations, and Bruce, the assistant superintendent, finally recommended the person who was appointed before the board acted. Yet she cites the Randall case as one of the reasons why Thurston should not be reelected superintendent of the schools.

Referring to the Randall case, I quote the following from the hearings before the select committee:

Senator HARRISON. But when it went to the board he did not stand for Miss Wilson?

Referring to Bruce:

Mr. THURSTON. I think he might have felt that I having decided that way, he would not stand in the way. It is so far back that the details are not really clear in my mind.

My reason for standing for Miss Wilson were these: She was a woman who had been in the service for 20 years, a graduate of our own normal school. She had served in every grade from the first to the eighth. From 1906, under the present act, when we formally rated the teachers, she had been rated at the top the entire time without a

question. She is a woman who, during her term of service, had worked in Howard University and obtained a degree of bachelor of arts while continuing her school work. She is a woman who had been selected as more or less a leader within her own division of divisional circle meetings where teachers get together for discussion of educational questions. She had been selected once by me, on recommendation from the force somehow, I do not recall how, and once by a former superintendent to serve on course of study committees, once on geography and once on arithmetic. She had to a very unusual degree been able to put her school, the Randall School, during the time she was temporary principal, in very effective touch with her community, and to a most unusual degree she had all the community with her. She knew how to work with them and knew how to interest them in the school. She seemed to me particularly the type of woman to be advanced into a principalship if we were seeking both educational standards, as I was, and the type of person who would connect up the school with the community, things that any worth-while superintendent wants to bring about.

When the question came before the board it took the form that many recommendations take, in my judgment not exactly the right one. It took the form immediately of a contest between Miss Wilson and Mr. Syphax.

Mrs. Cook was for Syphax, and also Dr. Johnson, another member of the board who stood out against Thurston and who was the second lieutenant of Dr. Van Schaick, was standing out for Syphax.

Mr. Thurston continues:

Really the proposition before the board, if I understand the law, is: "Does the board approve or disapprove of Miss Wilson's nomination?" That is the real question before the board. If I may make a very distinguished simile, it is as if the Senate acts on a recommendation coming from the White House.

Those are some of the reasons why she opposed Mr. Thurston. Another reason was a controversy between Dr. Moten, the head of the Miner Normal School, and Charlotte Hunter, a teacher in the school at that time, about whom the newspapers have published articles, about whom witnesses have testified in the courts of the District, about whom much testimony was given before the select committee, a woman who was forced to resign from the schools of the city of Washington because of her association with a man by the name of Moens, an impostor, a degenerate, a man of low character, who claimed to be an anthropologist from Holland or somewhere else.

There was a row on, or a controversy, between Dr. Moten and Miss Charlotte Hunter, who then taught in her school, and this member of the board about whom I am now speaking took the side of Charlotte Hunter; and since that time, as the evidence disclosed, there has been a feeling of antagonism against Dr. Moten. I visited, with the committee, the school over which this woman, Dr. Moten, presides, the Miner Normal School; and I say to you that I have never seen a school that impressed me so greatly as that.

I have never seen a school that I thought was better managed than the Miner Normal School; and as we came out of that building, and down the high steps of that school, another committeeman remarked to me, "Oh, what a pity it is that Dr. Moten is not serving as assistant superintendent over the colored schools in place of Bruce."

Anyone could see at a glance that the woman was of superb qualities when it came to managing a school; and yet one of the reasons why this particular member of the board was against Dr. Thurston was because of that little feeling that had crept into the controversy between Dr. Moten and Charlotte Hunter. Away back in 1914, I believe, Charlotte Hunter had been recommended by Mr. Thurston, then superintendent, to be removed or transferred from the Miner Normal School. It was the wish of Dr. Moten that she should be transferred, but the board even at that time overturned the action of Mr. Thurston. Mrs. Cook as a member assisted in overturning it. She was afterwards, in 1916 or 1917, I believe, transferred to the Dunbar High School, and still later she was fired, or, I should say, allowed to resign.

I want to speak next of another member of the board, a member whom I have known for seven or eight years, a woman of splendid character, and whom I respect very highly—Mrs. Rhodes.

Mrs. Rhodes was ill during the school investigation and was not able to come before the committee and testify. She was there, I think, while we examined Dr. Van Schaick. Unfortunately she was not able to give her testimony; but all the hearings disclosed the fact that Mrs. Rhodes was prejudiced against Dr. Thurston. She voted against his reelection. She voted for the election of Van Schaick no sooner than Van Schaick was placed on the board, although she had served with Daniels prior to Van Schaick's entrance on the board. Daniels was friendly to Thurston's reelection, and Mrs. Rhodes was unsympathetic with Daniels's reelection as president of the board. Let me read you from the mouth of Dr. Van Schaick himself what he says about Mrs. Rhodes, that you may for yourselves consider whether she was prejudiced against Thurston; whether she, as a member of the board, was in a position to give that



high degree of cooperation that the schools of the District deserved if they were to develop and be on as high a standard as they should.

Senator WALSH. I suppose we ought to know who the member of the board is that took the course in that respect that you referred to.

Mr. THURSTON. That was Mrs. Rhodes. I think Mrs. Rhodes and I had a radical difference of opinion as to the functions of a board member and a superintendent; the old difference that has existed in all cities and on all boards, as to whether the superintendent or the board members should settle professional matters, especially with regard to advancement of teachers.

Senator WALSH. Let us see if we have that correctly. Previous to your reelection in 1917 this member of the board repeatedly sought to discuss and talk over with you appointments and transfers and the placing of people in the public service?

Mr. THURSTON. Yes; and to give her opinion of where they should go. Senator WALSH. Was it more marked during that period of time than any other time of her service on the board?

Mr. THURSTON. She voted against me in 1917, and after that she approached me very little on these matters. That was one point of difference we had.

Mr. THURSTON. Whenever any principalship was involved, any officership or important transfer, I should say very frequently. The embarrassment to me was simply the feeling that I had to make up my judgment after a board member had expressed a different opinion on that subject, and I had still to feel that I must make that regardless of that expression of opinion.

Senator WALSH. Do you mean that board member would call you up and say, "I understand there is a vacancy in the principalship of a certain building. Do you not think So-and-so would be a good person to put in there?"

Mr. THURSTON. "No, I think So-and-so should be transferred there."

Quoting from page 599:

Senator WALSH. That was the kind of influence you speak of?

Mr. THURSTON. Yes; and sometimes that was done when my recommendation came in to the board.

Senator WALSH. Did that extend to such a degree as to be annoying to you?

Mr. THURSTON. That was thoroughly and constantly annoying to me, from that one individual, and embarrassing to me. I do not want to reflect too much on Mrs. Rhodes. I think it was a fundamental difference of opinion between us. Mrs. Rhodes is a very capable member, with a keen insight into many things, a woman whose ability I recognized, and recognize to-day.

Senator WALSH. You say it is the old difference that exists everywhere between superintendents and boards?

Mr. THURSTON. You take any book on school administration and you will find it plays it up. It is bound to come on any board at one time or another. Of course, the final difference with Mrs. Rhodes came in connection with another matter that was so affected by other factors at the time that I have not wanted to touch that.

Senator WALSH. You do not make that charge against any other member of the board?

Mr. THURSTON. Not to any extent. Other members of the board have been interested in certain individuals and have frequently presented their claims, which has, of course, embarrassed me.

Senator WALSH. But only to the extent that you would expect weak human nature to exert its influence?

Mr. THURSTON. Well, Senator, I do not believe that certain individuals should be continually raised before the superintendent's mind for place or advancement. That is embarrassing.

Here is a letter that was written on March 30, 1917, that is found in the hearings on page 179, written by Dr. Van Schaick to Mr. Oliver P. Newman, who was then president of the board of commissioners; and there has been no doubt, from the time that Dr. Van Schaick was first considered for a place on the board, that he was close to and influential with the members of the board of commissioners. Here is what he said. This letter is dated March 30, 1917. He had only been on the board a very little while then. He went on, I think, in July, 1916, or about that time; and yet on March 30, 1917, we find him writing this letter to the president of the board of commissioners in Washington.

He says:

DEAR MR. NEWMAN: Referring again to our conversation of this morning, I beg to say that I saw our friend S— after I left you.

So he had a conversation with Newman that morning, and he writes this letter in the afternoon to Newman, and he says:

Referring again to our conversation of this morning, I beg to say that I saw our friend S— after I left you.

I asked him, on cross-examination, who this man "S—" was. At first, he said he did not know, but his convenient memory finally, in answer to a question, stated that in all probability it was Mr. Siddons. No one doubts—no one can doubt—and Dr. Van Schaick does not doubt that the party referred to in that letter as Mr. S— was Siddons.

Siddons was at that time one of the other commissioners in the District, who was afterwards taken from the commissionership and placed on the Supreme Court of the District of Columbia; and through the hearings the fact is disclosed that Van Schaick belonged to the same club in the city of Washington—the Monday Evening Club, or some such club [laughter in the galleries]—to which certain members of the District Supreme Court bench belonged, and to which the commissioners, or most of them, of the District of Columbia belonged.

The PRESIDING OFFICER. Will the Senator suspend for a minute until the occupant of the chair again calls the atten-

tion of the occupants of the galleries to the fact that there must be no demonstration whatever? If there are any others, the rules of the Senate will be carried out, and the galleries will be cleared.

Mr. HARRISON. So he said:

I saw our friend S—

And no one can doubt that "S—" was Siddons, the other commissioner— after I left you.

He says, in his letter, further:

He has no doubt about the wisdom of the action and we agreed to put it upon these grounds.

So they are agreeing upon their action.

1. The retirement of the individual concerned—

He stated that "the individual concerned" was Mrs. Rhodes, the member of the board about whom I am now talking.

The retirement of the individual concerned—

Says Dr. Van Schaick—

would strengthen the commissioners in their relations with the board of education.

This president of the board of education evidently desired to strengthen the commissioners with the board of education, and so he suggested, in this very loving letter—

The retirement of the individual concerned—

That is, Mrs. Rhodes—

would strengthen the commissioners in their relations with the board of education. At one time it was very desirable that they should have some one who was cooperative on the board—

Says the doctor.

This person—

Speaking of Mrs. Rhodes—

was the most practicable one. As it is now, any action which the board takes in close cooperation with the commissioners is discounted by her presence.

And then he further says, in the letter away back on March 30, 1917:

Her lack of proportion—

Speaking of Mrs. Rhodes—

Her lack of proportion and balance in her attitude toward the superintendent, her venom and bitterness, embarrasses the administration of the schools in dealing with this important question of the superintendent.

So we have it from the pen of Dr. Van Schaick himself, in speaking of one of the members of the board who had helped to promote him to the presidency and who had constantly stood with him in his fight against Thurston. He says:

Her lack of proportion and balance in her attitude toward the superintendent, her venom and bitterness, embarrasses the administration of the schools in dealing with this important question of the superintendent.

Need I say more touching this member, when the president of the board himself has such an opinion of her that even he thinks that she could not give justice to Thurston at any stage at any time? "That she embarrasses the administration of the schools in dealing with this important question of the superintendent."

Further, I quote from the testimony of Mr. Thurston, at page 16. He said, speaking of Mrs. Rhodes:

One board member not only constantly sought the nomination of others but personally sought the member's own appointment at my hands to one of our higher-paid positions. So heavily was this member's candidacy pushed that for my protection and the board's a majority of the board members took this action in February [16], 1916.

Here is the action which the board took and spread on the minutes of the board:

A majority of the board as at present constituted are of the opinion that no one of its members should be considered for an appointive office in the school system under the authority of the board.

I think their action was justified and well taken.

So I shall pass from a discussion of this good lady. I regret very much to have to read into the Record this estimate of her prejudice and her venom against the superintendent of schools, but my duty must be performed.

Now, let us see about Mrs. Gerry. I read from the hearings, at page 304:

Senator HARRISON. I want you to give the incidents you were talking about now of delayed action which, if the board had not stepped in, would have been disastrous to the school system.

Mrs. GERRY. I will be very glad to. I will call your attention to one incident when Mr. Thurston was first reappointed. I think I stated before that I began my work on the board that year with the most absolute spirit of cooperation. There were various questions of difficulty about textbooks, as I recall it. Some of the recommendations of the superintendent were objected to by other board members.

Senator HARRISON. What other board members?

Mrs. GERRY. Two, I think. In that case, that was a question of the textbook committee. Is it necessary to go over all these details?

Senator HARRISON. Yes; we are going into the textbook matter fully.

Mrs. GERRY. I am delighted. We will furnish the committee with some facts.

Senator HARRISON. And we hope some revelations.

Mrs. GERRY. Revelations?

Senator HARRISON. Just proceed.

Mrs. GERRY. As it happened, I think, in that case it was a question of reading books for the primary department.

Senator HARRISON. You did not tell me the members of the board who objected to the recommendation of the superintendent.

Mrs. GERRY. Mrs. Rhodes, I think, was in opposition to the recommendation. She has a wide knowledge of school matters. It was purely a question of difference of opinion about the advisability of certain reading books—the relative value, I mean. Mr. Lerner and I, as I recall, voted for the recommendation which the director of primary instruction had transmitted through the superintendent.

Senator HARRISON. You were placed on the committee for the adoption of textbooks immediately on your election, were you?

Mrs. GERRY. I think that was my first assignment. At that time we had a number of standing committees. Mr. Hamilton dissolved those standing committees, and we have been too busy with other matters since that time to work out what we want to do. However, that is not material at this moment. I absolutely cooperated with the superintendent. I felt during the first year I was on the board that I was not in a position to come to a definite enough conclusion regarding the way in which the system was administered to feel justified in taking a position in opposition to the reappointment of the superintendent. I took a long time to make up my mind regarding that matter, and, as I have stated, I decided to vote for his retention.

The first matter, I think, in which I felt action should be taken was one that I had first-hand knowledge of. I have always attempted to go on the principle that it is utterly impossible for any one board member to be acquainted with all the details of this very complex system.

I would like to state, by the way, that I think if the board of education could be relieved from certain of the rather perfunctory and technical matters over which by law it is given jurisdiction, that would be enormously to the advantage of the school system.

So she voted, when she first went on the board, for the reelection of Mr. Thurston. At the same time she voted to substitute Dr. Van Schaick as president of the board for Mr. Daniel, who had served faithfully on the board before and who was eminently qualified to continue as president of the board.

But she changed so quickly against Thurston after she had voted for him that it was quite amusing in the committee room when Dr. Van Schaick was on the stand and the question was asked him who voted against Mr. Thurston for reelection in 1917. Hers was one of the names which first came into the mind of Dr. Van Schaick, and among the names he mentioned he said, "Mrs. Gerry." Mrs. Gerry promptly rose in the audience and said, "You are mistaken, Doctor; I voted the first time for the reelection of Mr. Thurston."

But the doctor can not be blamed for making that admission. It was perfectly natural that he might have stated to the committee that in his opinion Mrs. Gerry was one of the members who had voted against Thurston—she was one of his mainstays, she was one of his lieutenants, she was one of the members on whom he at all times had counted, as shown by the testimony. That condition had prevailed for a long time. She was one of the members who, after the regular meetings of the board, would quietly retire to some little ante room and, with three or four other members, the dominant faction, there in a secret council, in a star chamber proceeding, would talk over certain matters and adopt certain policies. She never failed to be there in that little clique, unless she was prevented either by sickness or some unexplained circumstances.

So he naturally thought when he was telling who was against Thurston's reappointment in 1917 that Mrs. Gerry was surely one of the parties. She became so enamored of the qualifications of Van Schaick as the president of the board that in 1918, while Van Schaick was in Europe, and had been for more than a year, and the election of a president of the board came up, and every other member of the board was in favor of electing Mr. Hamilton, she raised her voice in protest, and communicated with Van Schaick in Europe to obtain his views and ascertain the bent of his mind.

Let me read just a little of her testimony to show how she felt certain members stood as between Thurston and Van Schaick or about any matter that might arise:

Mrs. GERRY. He held himself as I held myself, in what I think is entirely a proper attitude in a matter of that kind—if duty is thrust upon him or upon her, you have a moral obligation to accept that duty. He did not say he would accept, nor did he say he would refuse.

Senator HARRISON. Did you ask him to offer himself as a candidate for reelection as president of the board, or to allow his friends on the board to present his name?

Mrs. GERRY. I do not recall, Senator, whether I did that or not.

Senator HARRISON. It is possible that you did, is it not?

Mrs. GERRY. As I recall, the subject matter of my letter was to ask Dr. Van Schaick whether he would return or not, so that we might be informed in what manner to act.

Senator HARRISON. Was it your idea, if he told you he would return and desired to be reelected, to see other members of the board, so that you could get it fixed up for him?

Mrs. GERRY. There was no question of fixing the matter, Senator.

Senator HARRISON. Of course, I do not mean "fixing" in any improper sense.

Mrs. GERRY. There was very little talk, as far as I can recall.

Senator HARRISON. I mean, to confer with other members of the board. Was it your object to confer with some of the friends of Dr. Van Schaick and see if you had enough votes to reelect him?

Mrs. GERRY. I think I knew it without conferring.

Senator HARRISON. You knew who would vote for him and who would vote against him?

Mrs. GERRY. I think I did.

Senator HARRISON. Whom do you suggest was on the board that would vote for him in all circumstances and on all occasions?

Mrs. GERRY. I think it was inevitable that we knew who was for him and who was against him. There was no question of caucusing, no question of influence.

Senator HARRISON. Then it was a fact that the board just naturally divided into two camps, so to speak?

Mrs. GERRY. I think so.

Senator HARRISON. What do you base that on, Mrs. Gerry?

Mrs. GERRY. Well, I think that the board, as every board should be, was composed of a conservative element and an element which desired to progress.

Senator HARRISON. Who was the conservative element on the board?

Mrs. GERRY. I should say the business element, very naturally, would be conservative.

Senator HARRISON. Who was the radical element?

Mrs. GERRY. There was no radical element.

Senator HARRISON. Well, the progressive element?

Mrs. GERRY. Those of us who were interested primarily in educational advancement.

So she at all times knew how the board stood in all these matters, and it was not necessary to fix anything. They were already fixed.

Now, I want to talk about another member of the board, Dr. Johnson. Dr. Johnson knows just about as much about the school system of Washington as he does about the nebular hypothesis. He has conferred so much with Dr. Van Schaick and other members of the board who are opposed to Thurston that when he started to talk he spoke like a parrot and employed practically the same language as had been used by his confederates who had preceded him.

May I quote part of his testimony? He said he went on the board prejudiced against Bruce. Then the following occurred:

Senator HARRISON. Did you vote for or against Dr. Van Schaick for president at that time?

Dr. JOHNSON. I voted for him.

Senator HARRISON. What were your reasons at that time for voting for Dr. Van Schaick?

Dr. JOHNSON. Well, when I went on the board I was very much prejudiced against the assistant superintendent.

Senator HARRISON. Bruce?

Dr. JOHNSON. Yes.

Senator HARRISON. Why were you prejudiced against him?

Dr. JOHNSON. Like most of the other people in the community, I believed that he was wholly responsible for the condition of the colored schools.

Senator HARRISON. The condition was bad at that time, was it?

Dr. JOHNSON. There was a lot of grumbling about transfers and appointments and promotions, and had been all along.

Then he suddenly changed his mind about Bruce, and in a very short while after Johnson became a member of the board he was at all times and under all circumstances a champion of Bruce. It was Dr. Johnson and Mrs. Cook, two colored members of the board, who fought for Bruce to have a place on the board of education when the law did not grant it, going constantly over the head of the superintendent and to the head of the board in order to consult.

I read further from the testimony:

Senator HARRISON. When did you make up your mind as to the superintendent's weaknesses, as you told him that day?

Dr. JOHNSON. All through the year.

Senator HARRISON. You ascertained that after you got on the board?

Dr. JOHNSON. Oh, yes.

Senator HARRISON. What incidents had happened that made you come to that conclusion?

Although Johnson had sat at these hearings for almost three weeks when he testified, had heard the examinations of the witnesses, and knew the character of questioning which we had put to the witnesses, he testified as follows:

Well, out of the mass of detail on the board of education that we had to deal with at every meeting, I could not pick out particular things. Had I known this investigation was coming on I could possibly have noted them down and refreshed my mind.

I shall not go into the Randall case further. That was one of the things, he said, that caused him to change. I have already alluded to that case, a fight between Syphax and Miss Wilson.

This same Dr. Johnson, a colored member of the board, in speaking of his own race in the city of Washington, indorsed language that had been used by Dr. Van Schaick. In speaking of those of his race who comprised the Parents' League, he said that they are more than one-third savage. That was the compliment which was paid by Dr. Van Schaick to the Parents' League, which had been organized by the colored population here, or some of them, in order to rid the public schools of teachers such as Charlotte Hunter, who they thought might have associated with Moerfs, this degenerate and profligate anthropologist, this vile and low pervert.



Then I read further:

Senator HARRISON. At that time you had received a letter from Dr. Van Schaick, had you not?

Dr. JOHNSON. A similar letter.

Senator HARRISON. Have you got the original?

Dr. JOHNSON. No; I have not. I handed it to the District Committee. It is on page 53.

Senator HARRISON. He had written you a letter that this outfit was one-third child, one-third savage, and one-third shell-game man, had he?

Dr. JOHNSON. He had.

Senator HARRISON. Did you approve of that statement?

Dr. JOHNSON. Every word of it. I modified the proposition, if you will read further.

Senator HARRISON. You thought they were two-thirds child?

Dr. JOHNSON. That is it.

Senator HARRISON. And two-thirds savage?

Dr. JOHNSON. No; with the rest divided up.

Senator HARRISON. You were not going to get too many parts?

Dr. JOHNSON. No.

Senator HARRISON. That is a pretty bad allegation to bring against a part of your own race, is it not?

Dr. JOHNSON. Knowing them as I do, and as you can not know them, I do not think so.

And while he expressed himself as believing these members of his race composing the Parents' League were two-thirds savage and the balance divided as childlike and "shell game," he wrote a letter to these people April 14, 1919, in answer to an invitation to attend one of their mass meetings, in which he said, "While I can not be with you in person, I am with you in spirit," and so forth. "The Parents' League was organized in a good cause, is capable of doing a splendid work for our school system, and, as I told you then, you have my hearty support in your efforts."

The people that he speaks of there organized themselves from amongst the colored population here in order to purify and clarify the atmosphere touching this controversy that had arisen respecting Moens, who, as I will show later, entered the school system here through a letter given by Dr. Van Schaick as president of the board, and took pictures of little school children, took pictures in the nude of women throughout the city, in his studio in Washington, and for which action this man Moens was afterwards indicted and tried and convicted in the courts of the District. When this part of the colored population, desirous of removing the stain from the right living and better element of school-teachers who were trying to do their duty, and upon whom a foul suspicion rested, desirous of ridding the schools of such teachers as Charloffe Hunter, who had associated with Moens for years, then this Dr. Johnson, member of the board, says that they are "one-third savage, one-third child, and one-third shell-game persons." He came as quickly in his estimate of the Parents' League as he did about Thurston as superintendent.

Believing in the motives that were behind most of the people who were in the Parents' League, many of them must have been from the best people of the colored population of Washington—they were good because preachers were there of every kind and every denomination. I read the speeches at their big meeting at one of the churches here, and every speech was pitched upon a high plane, all advocating the one proposition to clarify the atmosphere and rid the schools of these nefarious influences that were calculated to tear down and destroy the colored schools. I have more respect for them, knowing the motives behind them, than I have for this man who makes the allegation that a part of his people are two-thirds savage and one-third child, when they are embarked upon such a good purpose as they were.

Mr. KING. Mr. President, will it interrupt the Senator if I ask him a question?

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Mississippi yield to the Senator from Utah?

Mr. HARRISON. Certainly.

Mr. KING. Was it not in connection with that episode that Mr. Van Schaick wrote another letter to Prof. Learned, in which he described the colored population who belonged to the Parents' League as one-third child, one-third savage, and one-third shell game; that he also referred to the fact that he had attempted to corrupt the board and to get them in advance to pre-judge the guilt or innocence of Mr. Bruce?

Mr. HARRISON. Yes, the Senator is correct; and when I get down to Dr. Van Schaick, which I will do presently, I wish to read that letter and analyze it and elaborate upon it.

Let me read it now:

I have read the testimony in the Bruce hearing. It confirms me in my judgment that he should be retained. Of those against him—Chestnut used to come to see me, and I regarded him as a joke. Montgomery has sat on the Miner board with me for several years, and I have liked him personally, but regarded him as old and past usefulness. Poor Miss ——— thrown out for alleged immoral relations with a white man—I believe to be an honest woman and a good woman, but life has been very hard on her. Mrs. Murray, I don't know, but I see she promised to produce a dead man to swear to a petty thing, etc.

Now, to the point. You have done a valuable piece of work. I personally am very grateful to you. You handled the thing exactly on the lines you projected. I am sorry that Peyton kicked over the traces. He did a very stupid thing for a shrewd fellow, and he did exactly what he promised he would not do.

You stay up there now and get your rest. Take your time and make your report when you get ready. Tanner's last attack on you convinces me that it is perfectly hopeless to fuss with that Parents' League. In the make-up of a lot of them there is about one-third child, one-third savage, and one-third shell-game man.

Mr. KING. If the Senator will pardon me, any man who has such a misconception of his duty and such a lack of perception of the immorality of the act as to try to debauch men who are called upon to judge under the law of the actions of individuals is wholly unfit to be connected with the school board and certainly is unfit to be a member of the board of commissioners of this District.

Mr. HARRISON. I think the Senator and myself are not far apart.

Dr. Johnson further testified about this little clique that was on the board of education, to which I have referred. At pages 488, 489, 490, 491, and 492 of the hearings, in speaking of the meetings of this clique, he testified:

Dr. JOHNSON. Not in the regular meeting.

Senator HARRISON. But after the meeting adjourned, you all met upstairs in Mr. Hines's office?

Dr. JOHNSON. In Mr. Hines's office.

Senator HARRISON. Who told you to meet upstairs?

Dr. JOHNSON. I think I received my information from Mrs. Rhodes.

Senator HARRISON. During the formal meeting?

Dr. JOHNSON. During the formal meeting.

Senator HARRISON. Did she whisper it to you or speak out in the meeting?

Dr. JOHNSON. After the meeting had adjourned.

Senator HARRISON. What did she say to you?

Dr. JOHNSON. She said, "I want you to go up to Mr. Hines's office. Some of us are going to meet up there." That may not be her exact words.

Senator HARRISON. That is the substance of them?

Senator HARRISON. You did not know that Mrs. Cook had been invited to be there, did you?

Dr. JOHNSON. I did not.

Senator HARRISON. You were just assuming she was going to be in that crowd, were you?

Dr. JOHNSON. I was assuming that she ought to be there.

Senator HARRISON. You did not ask Peyton, did you?

Dr. JOHNSON. Peyton had gone.

Senator HARRISON. The rest of you tarried until the others had gone?

Dr. JOHNSON. We did not tarry.

Senator HARRISON. You just stayed there?

Dr. JOHNSON. That is right.

Senator HARRISON. Why did you not meet in the same room?

Dr. JOHNSON. I do not know that, except I suppose they wanted to discuss things that they did not want everybody else to hear about.

Senator HARRISON. Was there a kind of a secret meeting on that proposition?

Dr. JOHNSON. Whatever it was; yes.

Senator HARRISON. You got up there right away and you saw these members there. Who called the meeting to order?

Dr. JOHNSON. Dr. Van Schaick started out.

Senator HARRISON. What did he say?

Dr. JOHNSON. Do you want me to remember everything that he said?

Senator HARRISON. The substance of it.

Dr. JOHNSON. Well, Dr. Learned was preparing to go away, and we discussed at that meeting the advisability of letting Mr. Thurston know that we were not going to vote for him when his reelection came up.

Senator HARRISON. Were you all agreed on that proposition?

Dr. JOHNSON. We were not all agreed on the proposition at that time.

Senator HARRISON. Who disagreed?

Dr. JOHNSON. As to what proposition? As to whether we should notify him or not?

Senator HARRISON. Yes.

Dr. JOHNSON. I think I suggested that we should wait.

Senator HARRISON. You agreed that you were not going to vote for him for reelection, did you not?

Dr. JOHNSON. Oh, yes.

Senator HARRISON. There was no question about how that crowd stood on that proposition, was there?

Dr. JOHNSON. There was no doubt about myself.

Senator HARRISON. There wasn't any question about how all the members present at that informal conference felt toward the reelection of Mr. Thurston, was there?

Dr. JOHNSON. No question about that. No; it was not finally decided at that meeting what we should do.

Senator HARRISON. So the meeting broke up without coming to any conclusion?

Dr. JOHNSON. Any definite conclusion.

Senator HARRISON. When was the next informal conference called by those who agreed on that proposition? Was that at Dr. Van Schaick's house?

Dr. JOHNSON. Just prior to sending the letter.

Senator HARRISON. At Dr. Van Schaick's house?

Dr. JOHNSON. At Dr. Van Schaick's house.

Senator HARRISON. Was the same crowd present?

Dr. JOHNSON. No; Dr. Learned was in California.

Senator HARRISON. The same ones were present with the exception of Dr. Learned?

Dr. JOHNSON. Yes.

Senator HARRISON. If he had been here, he would probably have been present, would he not?

Dr. JOHNSON. I can not answer as to that.

Senator HARRISON. Would he have been invited?

Dr. JOHNSON. There is no doubt about it.

Senator HARRISON. Why?

Dr. JOHNSON. Because I knew his stand on the matter.

Senator HARRISON. Then you did not want anybody at these informal meetings except those whose stand you knew in regard to Thurston? Is that right?

Dr. JOHNSON. That is possible.

Senator HARRISON. That is right, is it not?

Dr. JOHNSON. That is possible; I do not know if it is right.

Senator HARRISON. Well, it is a fact, is it not?

Dr. JOHNSON. It is a fact that it did not happen.

Senator HARRISON. What did not happen?

Dr. JOHNSON. Dr. Learned was not present.

Senator HARRISON. He was in California?

Dr. JOHNSON. He was.

Senator HARRISON. The rest were present?

Dr. JOHNSON. They were.

Senator HARRISON. And you think if he had been in Washington he would have been invited to that meeting, do you?

Dr. JOHNSON. No doubt about it.

Senator HARRISON. Because of his attitude toward Mr. Thurston?

Dr. JOHNSON. Yes.

Senator HARRISON. You took care not to have any of the members of the board present at these informal meetings except those you knew were against Mr. Thurston's reelection, did you not?

Dr. JOHNSON. I think, Senator, it was a matter of having present those who were in agreement with us on that matter.

Senator HARRISON. Absolutely.

Dr. JOHNSON. That is so.

Senator HARRISON. There is no question about that.

Dr. JOHNSON. That is right.

And so throughout the hearings I might read of their secret meetings, not only in Hines's office after the regular meetings of the board, but sometimes they met in Dr. Van Schaick's home and then transacted their business out of an informal gathering there.

I wish next to address myself to another member of the board who opposed Thurston, Dr. Learned, who came all the way from California to testify before the committee. He was one of those who was requested by Dr. Van Schaick to go on the board, taking the place of one who had voted for Thurston's reelection and who had voted against Van Schaick's election as president of the board. Dr. Learned says his first impressions about Mr. Thurston were good, and then:

Senator HARRISON. That was at what time?

Mr. LEARNED. That was in July, 1918. On the whole, it seemed to me that things had run smoothly—

That is, from 1917 to the latter part of 1918, during the war, he says:

On the whole, it seemed to me that things had run smoothly, and that Mr. Thurston had given us, so far as I could judge, a pretty good piece of work as director of the schools, and I let the matter lapse.

Senator HARRISON. During that time Dr. Van Schaick was abroad, or a greater part of the time, was he not?

Mr. LEARNED. During the entire time, sir.

Senator HARRISON. During that time you thought the schools were run pretty well under Supt. Thurston?

Mr. LEARNED. I thought so.

Senator HARRISON. You said the schools got along very well under Mr. Thurston that first year, did you not?

Mr. LEARNED. The first year I thought the schools got along very well, as far as I could observe.

So this man who stood with Van Schaick said that while Van Schaick was away from Washington and abroad "the schools got along very well under Thurston," but as soon as Van Schaick returned we see from the hearings that the controversy started again and the deplorable conditions returned. He said he did not change his opinion until June or July of 1918 or 1919. Well, he changed his opinion when Dr. Van Schaick returned—that is when, and not until then.

At page 653 of the hearings, in answer to the question why he had changed his opinion with reference to Thurston, he said this:

Mr. LEARNED. I would not say "all right," but they were getting along, as far as I could observe. I think they are getting along now, if I may say so, in a way.

Senator HARRISON. Yes; in a way. That is very appropriate.

What was the first thing that came up that caused you to come to the conclusion there was something wrong?

Mr. LEARNED. It is impossible for me to say there was any first thing. It was the result of impressions and sundry matters that probably helped to explain these impressions. I was very much disturbed at the time of the Moens case, and, as you are well aware, I was at that time a special agent of the Department of Justice.

Senator HARRISON. But you had formed your conclusion, as I understand, before the Moens case arose, had you not?

Mr. LEARNED. No.

Senator HARRISON. Was that the first thing that caused you to form that conclusion?

Mr. LEARNED. That was an incident in the situation.

Senator HARRISON. Was that one of the first incidents?

Mr. LEARNED. It was among the earlier incidents.

So he says that while Van Schaick was away the school got along pretty well under Thurston, but he changed his opinion, and one of the first things that caused him to change his opinion was the Moens case. Now, let us analyze the Moens case. What are the facts touching the Moens case? And what was Learned's connection with it?

Dr. Learned was working during the war in the Department of Justice. The Moens case arose. Moens had come to America in 1914 claiming to be an anthropologist, an expert in the study of races. So he came to Dr. Van Schaick in 1916 and

presented himself to him, having some kind of a letter from the minister of the Netherlands. He said, "I want entrée to the public schools of Washington. I desire you to give me a letter, Mr. President, so I can go there." So Van Schaick wrote a letter for Moens, about whom he made no investigations and about whom he knew little or nothing, and off Moens goes with that letter to the various schools in Washington and, presenting that letter, had entrée to the schools. He meets Charlotte Hunter, one of the teachers in the schools. He may have met her before. She likes the study of anthropology; she has been interested in anthropology for a long time; and so she takes up with this man Moens; she a colored woman and he a white man.

He rents rooms from her; establishes a studio, where she sometimes goes; and, as the investigation of the Department of Justice reveals, but which she denies, she received pay when she would procure for him certain types of female pupils whom he might photograph, sometimes in the nude. So when his association became too constant with Charlotte Hunter and his operations became so notorious in photographing little children, and nude women in some instances in Washington, and questionable characters in other instances here, there arose a complaint on the part of the parents.

Some little girl who was approached by Moens on one occasion back in 1917 to have her picture taken by him in his studio reported to her parent, and her parent, the good parent that he was, reported the matter to her teacher or principal, Dr. Moten, head of the Miner Normal School, with whom Mrs. Cook could not at all times agree, who reported the matter to the assistant superintendent of colored schools. Then it came to the knowledge of another principal by the name of Newman, and then of Wilkinson in January, 1917. Wilkinson, the good principal that he was, and whose testimony and bearing before the committee impressed it greatly, immediately went to the Smithsonian Institution, where this pupil of his was being threatened to be photographed by Moens, and when Moens attempted to photograph her in secrecy, in some secluded place, and to remove a part of her clothing, he raised his voice in protest and carried the girl back to her parent and the school. These occurrences were constantly happening in Washington.

Mind you, on January 12, 1917, this man Wilkinson immediately reported this matter to Van Schaick, as president of the board, through Bruce, the assistant, and Van Schaick, apparently not satisfied with having already given the proper credentials to Moens to visit the schools, as he had done in his letter of July, 1916, made an investigation of Moens, talked with him, and exonerated him without consultation with Thurston, the superintendent, and in July or October, 1917, wrote another letter to Moens giving him entrée into the schools. Mind you, after the knowledge had come to him which had come to Wilkinson, the principal of the Dunbar High School; after rumors were flying thick and fast around Washington, just before Van Schaick's departure for Europe, he gives a second letter to Moens to visit the schools.

Learned says that it was the Moens case that first caused him to change his opinion in regard to Thurston. Learned knew more about the Moens case than any other member of the board. He knew even more about it than any other man in the United States, save the assistant district attorney, Mr. Arth, and the detectives who had worked on the case, because he was in charge, in the Department of Justice, of the whole Moens file of papers.

Every report came to him; the letter that Wilkinson had written had come to him; all the facts were there; and yet it was not until November, 1918, that Learned approached Thurston and said to him, "Certain information has come to me about Charlotte Hunter being connected with Moens; I wish you to get up all the data that you can and send it to me; but let us not do anything about it yet; I am still investigating." Then in December following, 1918, Learned again went to Thurston and to members of the board, handed them a memorandum that was prepared by employees in the Department of Justice, showing Moens's operations, showing his connection with Charlotte Hunter, one of the teachers of the schools, setting forth the facts as to his being suspected as a German spy, and how he had been employed by some great oil corporation in Oklahoma that was affiliated with some organization made up in part of German capital; and yet in December, 1918, Learned said to Thurston, "We must not fire Charlotte Hunter yet, although she is suspected of being implicated with this man Moens. We want to try him, and if you dismiss her it might affect the trial of the case." He told the same thing to Mr. Hamilton, another member of the board. The testimony of Mr. Thurston and Mr. Bruce and Mr. Hamilton all agree on the proposition that Learned requested them



not to take any steps touching Charlotte Hunter; and in February following, 1919, he even appealed to the board of education not to take any steps to remove Charlotte Hunter for fear that it might affect the trial of Moens that was coming on shortly. Although he, more than any other man connected with the public-school system, was responsible for keeping Charlotte Hunter in the schools of Washington after the fact had been known that she was connected with Moens, he lays it all on Thurston and says that that was one of the first reasons why he formed an opinion against Thurston and thought he should be removed.

Let us go further with Dr. Learned. This same man Learned was placed on the committee to investigate the charges preferred against Bruce. Some of the charges involved his moral character, while others were directed to his efficiency as an administrative officer. Dr. Van Schaick named Dr. Learned as one of the members of the board to investigate the charges.

Now, what happened? You have heard read the letter written by Van Schaick to Learned before the report was made. Did that committee take up and investigate the moral questions involved? Did they go into any of those charges that were filed by Smith in the District as well as by the Parents' League? No. Was it not reasonable to believe and expect that that committee would go into a thorough investigation to ascertain all the facts touching that official of the schools? I think that will be conceded; but they did not do it. What they did was to refer the charges as to immorality to the corporation counsel, and then they went into an investigation of the charges against Bruce as an administrative officer.

And before they made their findings Dr. Learned sought from Dr. Van Schaick his opinion as to the testimony and the report. Van Schaick on that occasion went further than that. He went to Peyton, another member of the committee, who was serving with Learned, so says Peyton, and stated to Peyton that he would get rid of Bruce if he, Peyton, would agree with Learned and the other committee member in their findings about Bruce.

It was the same man who was a member of the committee who investigated Miss Wood, one of the teachers in the District schools. Before I get to that, however, let me inform the Senate that it was the same Dr. Learned who invited this man Moens out to his home, had him to dinner, and, as he said, played on the piano while he, Moens, sang. It was Learned, too, together with Van Schaick, who denied Thurston a copy of the testimony, had it destroyed, and refused him entrée into the meetings of the investigating committee.

He is the same man who made a report on the Wood charges, which alleged that Miss Wood had stated that there was no more reason why dogs should not go to Heaven than human beings; and when I asked Learned if he put the question to Miss Wood as to whether or not she had given utterance to any such expression as that, he said, "It appeared to me as so ridiculous that I did not put that question to her." I asked him if he believed in that utterance, and he said that he did not know; that perhaps they might. I then asked him the question if he thought an atheist should teach in the schools of the city of Washington, and he said he did not know what an atheist was. Yet that is the character of man who was on the board of education, and a part of the dominant faction and clique who met in their secret chambers, in their little off and far-away places, to conjure up their policies and adopt their schemes touching Thurston and the schools.

Now, let me get to the "storm petrel" of this controversy, the man who merely had to crack his whip to have certain other members of the board jump. I refer to Dr. Van Schaick.

Mr. President, we delight to read in history and fiction and see upon the screen those beautiful portrayals of the village parson as he goes about his simple work in a modest way, preaching the word of the lowly Nazarene, trying to remove controversies in the neighborhood, doing everything he can to influence people for good, and to aid in the betterment of society.

That character impresses and inspires us. Such a man in his humble way, serving as the modest violet in the lonely valley, unseen by the haughty eye, shedding the sweetness of its perfume in the peaceful air, is doing a noble work. Dr. Van Schaick, although unlike the modest village parson, did well for a while, as long as he served the church of God, preached from his sacred pulpit, and remained away from the storms of political strife. Before he aroused this controversy that has awakened the city of Washington and became inoculated with the virus of getting into civic affairs he was doing a great work. After serving his congregation well for a number of years, this character leaves his pulpit and seeks a place on the board of education.

He finds that it takes a good deal of his time from religious work, so much that he first goes into his own pocket, as Mrs. Gerry states, and pays money for a substitute to preach for him. But he is not satisfied with that. He hears the cry of politics. He wants to get into the fray. He desires to take a greater part in the affairs of the District of Columbia, and so he refuses longer to pay out of his pocket for a substitute to preach for him. As pastor he quits the church entirely, practically stops preaching, and is nominated as one of the District commissioners.

There is a great deal about Dr. Van Schaick that I admire. I think he is a man of good intentions, of high motives, of splendid intellect. He is a strong character. He can not stand opposition. Why, if he were a member of the Board of District Commissioners, you would never hear of the other two at all. He makes those who are weaker than he but putty in his hands; and so, as soon as he was appointed on the board in 1916, he was not willing to occupy the simpler and unobtrusive place of a mere member of the board. He wanted to sit at the head of the table. He desired to be the whole cheese; and so he gets his crowd around him, and because of feelings upon the part of some, and a desire to punish others, he is smart enough to form a coalition, and so he is elected president of the board of education. Those of us who understand his peculiar characteristics, his dominating disposition, his impulsive temperamentality, and ambitious proclivities, realize now that he would not have been content to have remained a mere member of the board.

Did he seek reelection? Why, of course he did; and he was smart enough, strong enough, dominating enough, to punish everyone who ever opposed him by indorsing some other person for their place, and seeing them go, and others come in.

Why, of course, some of these other members of the board were going to do what Van Schaick told them to do. They had seen Daniel go off the board. They had seen Lerner go off the board. They had seen Galliher go, Blair go, and various others go, who had the courage to combat the doctor in what he desired; and so, when their time came to vote, I am inclined to think they took their cue from this fable:

And how did it happen that certain members of the board always kept in with the doctor as they did?

"Why, I'm thinking, Murphy, it was because they had such a bad could, jist!"

"And what had their having a could to do with the matter at all, at all?"

"Why, did you never hear, Murphy, my boy, of the fox that had a could? Then I'll tell ye."

"Once there was a lion that wanted to know how polite all the bastes were. So he made a great smell in his den with brimstone, or something else—I don't mind what jist—but it smelt enough to knock you down intirely; and then he called in the bear, and says he, 'Good morning, Mr. Bear, and what d'ye think of the smell here this morning?' and says the bear, says he, 'Why, it smells bad.' 'What's that you say?' says the lion: 'take that,' says he, 'atting him up altogether; take that, and see if it will tache ye politeness, ye unmannerly son of a cub!'"

"Now, when the bear was ate up the lion called in the monkey and asked him the same question precisely. Now, the monkey, seeing the bear that the lion had swallowed lying dead in the corner, says he, 'May it please your majesty,' says he, 'it's jist the most delightful smell I ever smelt in my life at all, at all.' 'So it is,' said the lion patting him on the head, aisy like, so as to bate the breath clan out of his body; 'so it is,' said he, 'and now you'll not tell another lie soon. I'm thinking.'"

"Now, when the lion had kil't the bear and the monkey, he called in the fox to him and, says he, looking very savage and ready to ate him up if he should make the laste fox paw at all, 'Good morning, Fox,' says he, 'how does my parlor smell to-day?' And, says the fox, wiping his nose with the brush of his tail and pulling down his eyelid with his paw, as much as to say, 'D'ye see any green there, my honey?' 'Faith,' says he, 'may it please your majesty, I've a very bad could this morning, and it's me that can't smell at all, at all!' So the lion laughed and tould the fox he was a very clever baste and that he might tread in his footsteps if he could straddle wide enough and that all the other bastes should mind him or he would ate them up, as he had done the bear."

So we have these members who had stood with Dr. Van Schaick still on the board and suffering, no doubt, from a very "bad cold."

Now, Mr. President, Dr. Van Schaick says that when he went on the board he went on "with an open mind and a friendly disposition"; and yet the hearing revealed the fact that in February, 1917, he attended a convention in Kansas City of school-teachers, and there tried to interest certain school-teachers to accept the place of superintendent of the Washington schools, without any authority from the board of education. So he began to lay his plans to oust Thurston within six months after he became a member of the board of education.

Here is what Mr. Galliher said about him:

But it caused you to say that you could take care of yourself. How did you happen to say that?

Mr. GALLIHER. Let me go further now, leaving out that one little statement on his part. He said, "This attack of yours, Mr. Galliher, is so violent that I think I will report it to the appointing power."

So close was he to some of the District Supreme Court judges that when a controversy arose in the board he threatened to go

to the judges and tell them about it; he wrote a letter when the reelection of Thurston came up in 1917—and that is according to the testimony of Dr. Van Schaick himself—saying that he told the judges all the facts connected with the reappointment of Thurston—working in connection with them, working in complete harmony with the District Commissioners.

Why, sir, when he left to go abroad in 1917, did he resign? No; but, according to his testimony, he wrote out his resignation, both on the Board of Charities and on the board of education, and he placed it in the hands of one of the commissioners of the District, and told him if he had to resign, then to send it in. Of course the commissioner never did present it and his resignation, so far as the committee knows, has been in his hands from that day up to this.

Mr. Oyster, president of the Board of Trade of Washington, a man who has served on the board of education for years, who stands as high as any citizen in Washington, says this about Dr. Van Schaick:

Senator HARRISON. What were his views three years ago?

Capt. Oyster did not want to state this particularly. We just had to corkscrew it out of him. We had to deal with him quite a while before we could extract an answer from him; but Capt. Oyster said finally:

Three years ago he called at my place, and I think he talked over what might be a change in the board and asked me if I would care to or would be willing to go back on the board.

That was one of his duties—to go around when there was likely to be a vacancy on the board and select whom he wanted, and then he would suggest it to the judges of the Supreme Court of the District of Columbia. That is one of the reasons why the committee that investigated this matter thought it wise that the law should be changed and that this board should be abolished and that in the future the President should name a board, not so large as now composed, to be six in number, and that the Senate should hold the lever and have the power of rejection or confirmation.

Capt. Oyster said:

I told him that I did not care to, that I had given up about as much time to serving on the board of education as I could afford. I asked him what he was going to do with the superintendent and he said he was going to put him out. I said, "Why, he has been on probation but a short time." He said, "He has not handled the situation very satisfactorily but he has improved." I said, "Well, if he has improved and being a local man, a man that the people know, and the people would like to have Mr. Thurston as superintendent of the schools, the public wants him, why don't you think you ought to consider that?" His answer was, to the best of my recollection, "The public be damned."

This man of God, this preacher of Washington, this leader of a congregation, said, according to Mr. Oyster, "The public be damned."

I continue—

"Well," I said, "Doctor, that might sound all right coming from me, but from you, I am a little surprised." He said, "I have the courage of my convictions. I know what I am doing and I propose to exercise that right." I said, "Have you got the votes?" He said that he had. I said, "How many have you?" He said, "I have five."

He knew what he had, and what difference did it make to the people? What did he care for mass meetings petitioning the board to reelect Thurston? What did he care about the wishes of the school-teachers of the city of Washington about Thurston? He was a man of strong convictions. He had five, and he knew what he could do with them. He said, "The people be damned." A little later, in speaking of the Parents' League, he was equally as emphatic in saying, "I will see them in hell before I accede to their wishes."

I shall not take up the time of the Senate further, because I have talked now longer than I had expected. But I wish I could read to you the testimony of Peyton, how Van Schaick approached him and made certain promises to him. I wish I could read you the testimony of Johnson, how these secret meetings were constantly being held.

On the question of the assumption of authority, I shall briefly state some of the things which he did. Immediately upon his election as president he moved his office and put it in the Franklin Building next to the superintendent's. He advocated Bruce sitting in the regular meetings of the board of education. He advised the committee which went into the investigation of Bruce just what to do. While the members of the board were permitted to attend the meetings of that committee and hear the evidence, Learned and Dr. Van Schaick refused to admit the superintendent of schools. If there was one man who should have been present at the hearing investigating the superintendent of the colored schools, it was the superintendent of schools, because it was he who was to make the recommendation for his removal, and it was his recommendation upon which he was appointed.

When it came time to suggest to the Congress the passage of a law increasing the pay of teachers Van Schaick went over the head of the superintendent and appointed the assistant superintendent of white schools and others to draft the bill for the consideration of Congress.

He constantly showed his partiality toward unions, as disclosed by the hearing. He projected himself into the Wood case, and used the power of his office and his great influence with the members of the board to prevent an appeal from the decision of the court. He projected himself into the Moens proposition by giving letters, without consultation with the superintendent of schools, so that Moens might visit the schools.

Here is what the assistant superintendent of schools said when the Wilkinson and the Newman letters were presented to Van Schaick: That Moens was taking pictures of the little children, telling them of the studio which was being operated by Moens; taking pictures in the nude of lewd and profligate women in the city of Washington. Wilkinson said this in his letter to Bruce of January 12, 1917, or immediately after, mind, you, before Van Schaick had written the second letter to Moens giving him entrée into the schools. Van Schaick got Moens, brought him to Bruce, and Bruce said this:

The president—

Meaning Van Schaick—

questioned Moens closely, had him demonstrate his procedure in inspecting pupils in a classroom at Magruder School, but finally sustained Moens on the grounds that his purposes were purely scientific, and that there was no evidence that he was taking nude pictures of school girls, or was acting without the knowledge and consent of the parents.

Senator HARRISON. How did he question him?

Mr. BRUCE. Dr. Van Schaick brought Mr. Moens to my office and suggested that Mr. Moens go to the nearest school—the Magruder School being the nearest to the Franklin—to demonstrate his method; and, in Dr. Van Schaick's car, Dr. Van Schaick, Mr. Moens, and I went to the Magruder School, where Mr. Moens looked at the hair, the eyes, and the complexions of some of the children.

Senator HARRISON. Was that in a big room where all the children were?

Mr. BRUCE. It was in one of the classrooms.

Senator HARRISON. Did you say Mr. Moens was taking pictures at the Smithsonian Institute?

Mr. BRUCE. Yes. The statement was not that he was taking pictures himself but that he was having pictures taken by a photographer at the Smithsonian Institute.

Senator HARRISON. What all did he do?

Mr. BRUCE. That was about all that I can recall.

Senator HARRISON. What did he say to you or what did you say to him?

Mr. BRUCE. I do not recall, except that we went to the classroom—I think it was Miss Syphax's classroom—and Mr. Moens, in a very respectful manner, looked at some of the children and asked questions. He suggested that this girl was of a German type and this other girl or boy of Indian extraction, and so on. It was harmless so far as it went, of course, in our presence.

Senator HARRISON. Well, let us get that in our minds clear. Dr. Van Schaick sought this interview with Moens, and this examination was held—as a result of the protest?

Mr. BRUCE. Yes.

Senator HARRISON. How long was this after you received the protest?

Mr. BRUCE. I am not sure, but I think perhaps the next day.

Senator HARRISON. And this was after the superintendent, Mr. Thurston, had taken it up with Dr. Van Schaick, informing Dr. Van Schaick about this letter and this protest?

Mr. BRUCE. I presume so.

Senator HARRISON. Did the superintendent know that you and Moens and Dr. Van Schaick had gone down to this school?

Mr. BRUCE. I don't know definitely that he did.

Senator HARRISON. Before you went?

Mr. BRUCE. Not before, because Dr. Van Schaick came to the office with Moens and we went immediately.

Senator HARRISON. You don't know where Moens met Dr. Van Schaick?

Mr. BRUCE. I know nothing about that. I simply know he brought Mr. Moens into my office.

Senator HARRISON. Did Moens tell you that was how he was examining these children?

Mr. BRUCE. That was his statement, I think. He said, as I recall, that he had had photographs taken, but protested vigorously that he had ever had any photograph taken in the nude of a school child. I do not think he denied that for scientific purposes he had nude photographs of other persons.

Senator HARRISON. Did you read to him or to Dr. Van Schaick that letter you had received from Prof. Wilkinson?

Mr. BRUCE. I do not know whether Dr. Van Schaick did or not. I am sure I did not. I believe the letter was in the doctor's possession at the time.

Senator HARRISON. Did you inform him of the contents of that letter?

Mr. BRUCE. Dr. Van Schaick did.

Senator HARRISON. And he denied it?

Mr. BRUCE. He denied that he had ever had photographs taken of nude school girls. He denied it emphatically.

Senator HARRISON. After this visit you and the doctor had a talk about the propriety of allowing him to continue in the schools?

Mr. BRUCE. I think that as we came away Dr. Van Schaick expressed himself as feeling that there was nothing offensive in anything that Dr. Moens had done; and, as far as he could see, there being no protest on the part of any parent, there was no reason why he should not continue to visit the schools.

So it is that it was on the letters of Van Schaick, over the head of the superintendent of schools, that Moens entered the schools and took pictures of the children, and took at least one of the teachers and associated with her.



Yet a great cry goes up from Bruce, the assistant superintendent, and from Dr. Johnson and from Mrs. Cook about the colored people of Washington protesting against the action of the board in continuing to allow Charlotte Hunter to teach in the schools six months after this information had come to the attention of the board of education.

Why, sirs, if one of the white teachers in Washington had been connected and had associated with Moens as the facts reveal the relations between Moens and Charlotte Hunter, and the board had allowed her to continue to teach in the white schools of Washington, there would not only have been a mass meeting in one of the churches of the city, there would not only have been picketing at the school in which she was teaching, but the whole city would have risen and driven her and the board of education from their indefensible position. Ah! They may have gone further than that.

So I must close. I know not, I care not, what the board of education, or certain members of the board of education, think about the finding of the select committee touching the condition of the schools. Personally, I do not believe that the present superintendent ought to be fired. I believe, against the great obstacles that he has had to combat, under most abnormal conditions and circumstances that are inexcusable on the part of the board, or certain members of the board, he has performed his work wonderfully well. He is what we would call a young educator. I think he will develop as the years go on. The people of Washington, in my opinion, want him retained as superintendent. I believe he measures up to the requirements that are called for in the superintendency of the schools of Washington. The board of education, or certain members of it whom I have analyzed in this discussion, will perhaps not approve of the report; they will not applaud my utterances; they will not be appreciative of the consideration the committee has given this subject.

I care not for that. When I introduced this resolution months ago it was because I believed the public schools were in a deplorable condition. Others knew not, nor did I, what that condition was, but we have found the source of the trouble. We have found the true condition, in my opinion. A faction of the board is dominated by Van Schaick—ambitious, seeking political preferment, not satisfied unless he is the storm center of political strife, antagonistic to the superintendent. They embarrassed him, they overlapped his authority, they usurped his functions.

With such a condition as that prevailing there can not be harmony, there must necessarily be lack of cooperation, and the schools must suffer.

So your committee believes that the board should be gotten rid of, that a new mode of appointment should be adopted, and if this board, drunk with power, perhaps, should feel so aggrieved at our action and desire to flaunt back into our faces, and flaunt into the faces of the American Congress, the power which they still hold and which they will hold until Congress passes legislation amending the present law, they can repudiate our report to-morrow by saying, if they desire, "We do not respect their findings. We disregard their investigation, and we are going to fire Thurston out of the schools and elect another."

Then they can go ahead and elect another. But I can not believe that any member of the board could possibly take such a step as that. I can not believe that they would become so audacious that they would pursue such a policy as that. If they did, they would deserve the repudiation of Congress and of the self-respecting manhood and womanhood of the city of Washington. If they do that, I can not believe that the man whom they would elect could show such bad judgment and such little common sense that he would accept the position under the peculiar conditions prevailing here.

I hope that before the end of this session of Congress we can amend the laws so that we can take care of the situation; but if we can not and it must go over until the next session, it is to be hoped, as the committee have expressed in their report, that this board and the superintendent will work together in a spirit of harmony, with one desire and one ambition, and that is to serve the school children of the District and to better the school system of Washington. If that should be their desire and that policy should be pursued, the conditions will be very greatly improved. It is to be hoped that before Congress closes we can obtain an adequate appropriation to provide for a survey such as is desired by disinterested, outside persons, so that they can report back to Congress at the next session with reference to the condition of the schools here, how many buildings, what playgrounds, and other improvements are desired. It is believed we can greatly help in that way.

We provide in this proposed legislation for a business management to remove from the superintendent many of the arduous duties that have been thrust upon him because of the increased population and increasing delicate questions that demand his attention.

Mr. President, I have delayed the Senate much too long, but I have thought it necessary to give my reasons for signing the report. I have felt that we owed it to the people of the city that we should express candidly and fully and courageously what we conceived to be the true condition touching the schools here.

May I say, as I believe, that Dr. Van Schaick has shown by his temperamental moods, by his deportment, by his dominating disposition, that he is unfit to be a member of the board of education of the District, and that the same rule that guides me in that conclusion will guide me in casting my vote whenever we take up for consideration his confirmation as Commissioner of the District of Columbia. I shall vote against him, even though when I began this investigation I believed that I would vote for his confirmation.

Surely the doctor may now well exclaim, like the lone spirit in Manfred:

I am the rider of the wind,  
The stirrer of the storm,  
The hurricane I left behind  
Is yet with lightning warm.

Mr. HENDERSON. Mr. President, I do not intend to go into a discussion of the report of the select committee appointed by the Senate to investigate the public-school system of the District. I am, however, especially interested in that portion of the report which recommends the approval of the recommendation adopted by the Congressional Joint Reclassification Commission relating to the salaries of the teachers in the District of Columbia. I feel it is due the Senate that some statement be made showing the facts upon which that commission based its recommendations.

There were a number of factors considered by the Reclassification Commission in the adjustment of salaries of teachers and school officials. The chief determining factors were:

1. A comparison of the salaries paid by a number of progressive cities of the eastern and middle western part of the country for the school year 1919-20.

Since the minimum and maximum salary was given the middle figure was taken in every instance in order to arrive at what the commission thought would be a fair salary to be recommended to the Congress.

On this basis the salaries recommended for elementary-school teachers are lower than those of New York City, higher than those of Chicago, Boston, Newark, and East Orange, N. J., and similar to those of Detroit. Similarly the scale recommended for high-school teachers is lower than that of Chicago and Newark, higher than that of Boston and Detroit, and similar to that of New York and East Orange.

For administrative officers the salaries recommended are generally lower than those of the cities under comparison. In view of the fact that salaries of teachers throughout the country are low, and that a general movement is now under way to increase salaries, it is possible that the recommended salaries may not for any considerable length of time attract and hold adequately qualified teachers.

2. A comparison with salaries recommended for other services requiring similar qualifications. On account of the longer vacation allowed the teaching force, the initial salary recommended for the several classes runs proportionately lower. In view of the exacting requirements and the nerve energy expended by conscientious teachers, it is a question whether they should not be entitled to this additional leave without reduction in compensation.

3. The teaching service should offer an opportunity for a career without change in duties. Unlike other services, there are few opportunities for advancement to positions of greater responsibility; that is, there are relatively few administrative positions in the service. Furthermore, it is the belief of the Reclassification Commission that it should not be necessary for a good teacher to accept administrative responsibility in order to obtain a higher salary, for such a practice may often result in the loss of good teachers and the gain of poor administrative officers.

Since it is expected that a teacher shall remain a teacher, and because teachers have common duties, they must be grouped into a general class and be provided with a correspondingly wider range of salaries than is customary in other services. The higher salaries in the range, therefore, should not be compared with those of the lower classes of other professional services,

but with the associate or full professional classes. Such a comparison will indicate that teachers' salaries are relatively lower. Justification for such apparent discrimination, if justification is possible, may be looked for in (1) the salaries received by teachers in other cities and (2) the long summer vacation.

4. The salaries received at the present time in Washington influenced the commission to some extent. Such influence probably resulted in keeping the recommendations down to a level which may be regarded as just compensation for the teachers now in the service.

5. The recommendations of the board of education concerning salaries, and also those of the teachers themselves, exerted a limited influence in the proposed salary scale. An examination of the wage scale adopted by the commission will show

that the proposed scale for both elementary and high school teachers is lower than that suggested by either the administration or the teachers.

Inasmuch as the commission was influenced to a considerable extent by the salaries paid in certain selected cities with which Washington might properly be compared, I have prepared a table showing the salaries paid in the key classes in the educational service. The cities selected were New York, Chicago, Boston, Newark, East Orange, and Detroit. For the sake of comparison, I have also listed the recommendations of the commission for the same classes. I ask that this be printed in the Record.

There being no objection, the table was ordered to be printed in the Record, as follows:

*Educational service key classes.*

Title.	New York.		Chicago.		Boston.		Newark.		East Orange.		Detroit.		Recommendations of the commission.	
	Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.	Minimum.	Maximum.
Elementary teacher.....	\$1,005	\$2,160	\$1,200	\$1,975	\$1,080	\$1,752	\$1,300	\$1,900	\$1,300	\$2,100	\$920	\$1,520	\$1,200	\$2,100
Senior teacher.....	1,350	2,800			1,788	1,980			1,400	2,200	1,100	2,200		
High-school teacher.....	1,350	3,150	1,600	3,400	1,452	2,316	1,400	2,700	1,600	2,800	1,100	2,800	1,500	2,700
Senior teacher.....					1,812	2,484	1,900	3,200	1,800	3,100				
Principal elementary school.....	3,000	4,000	2,500	4,250	3,060	3,660	1,700	3,500	2,200	4,000	2,000	3,600	2,600	3,320
Principal high school.....	5,000	5,500	3,760	5,100	3,636	4,500	3,600	4,800	3,500	4,900	5,000		3,600	4,500
Senior director manual training.....	4,000	5,000	4,000	5,000	3,420	3,780			2,500	3,600	2,500	4,000	2,500	3,220

Mr. HENDERSON. The table comprises only the so-called "key classes" in the teaching service. It was considered that if the salaries for key classes could once be established it would be relatively simple to apply this scale as a standard to other classes. For instance, if the rate for the principal of high schools were determined, the rate for the assistant principal, the heads of departments, and the head teachers would bear a very definite relationship to the salary of the principal. In the same way the determination of the rate for the high-school teacher would serve as a norm for setting up the salary range for the special teachers in the high school, such, for instance, as the teacher of manual training, military instructor, and so forth.

The policy of the commission was, therefore, to determine the key classes by reference to present salaries and to those paid on the outside and then to set up a salary range for other classes which might be referred to them. In this way the commission believed that uniform and equitable salaries might be secured.

Another feature that should be noted is the provision for annual increments from the minimum to the maximum salary. The steps between the minimum and the maximum are in some instances an increase of \$100 per annum and in others \$150 per annum until the maximum is reached. According to the recommendations of the commission, however, these increases are definitely not to be considered automatic, but, rather, to be determined by an increasing degree of efficiency as shown in the efficiency records of the teacher.

Mr. President, since the select committee has recommended the adoption of the report of the Congressional Joint Commission on Reclassification of Salaries as they relate to the teaching service, the Members of the Senate may be interested to refer to part 2, which contains the classification of positions and the schedules of compensation for the respective classes. On page 581 is found the classification of the educational service in the District of Columbia. I simply wish to call the attention of the Senators to the method defining duties, qualifications, and compensation. On page 597 is an illustration that bears on this discussion, to wit, a teacher in the elementary schools. We give there the specifications of the class, which include the duties under that head, together with the qualifications that an elementary teacher in the school is supposed to possess. Then following the qualifications come the principal lines of promotion and the compensation for the class.

At the bottom of that page it will be found that the annual minimum compensation for this class is \$1,200. Then come the annual increases in salary ranging from \$1,200 to \$2,100. The object of the series of steps is to hold out an inducement to the teacher to remain in the service. The turnover has been very great of late, and it seemed to our committee that it would be highly desirable to provide an increase of salary covering a number of years—in this case nine—in order that when a competent teacher is once obtained and is becoming trained in the service he may be interested to remain.

Mr. CURTIS obtained the floor.

Mr. SHERMAN. Mr. President—

The PRESIDING OFFICER (Mr. SHEPPARD in the chair). Does the Senator from Kansas yield to the Senator from Illinois?

Mr. CURTIS. Certainly.

NOMINATION OF REV. JOHN VAN SCHAICK, JR.

Mr. SHERMAN. I wish to give notice, on behalf of the Committee on the District of Columbia, that at the earliest practicable moment we shall urge that the Senate go into executive session for the purpose of considering the nomination sent to the Senate of Dr. Van Schaick to be a member of the Board of Commissioners of the District.

RECESS.

Mr. CURTIS. I move that the Senate take a recess until 12 o'clock to-morrow.

The motion was agreed to; and (at 10 o'clock and 15 minutes p. m., Wednesday, May 26) the Senate took a recess until to-morrow, Thursday, May 27, 1920, at 12 o'clock meridian.

## HOUSE OF REPRESENTATIVES.

WEDNESDAY, May 26, 1920.

The House met at 11 o'clock a. m.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

With unfeigned love and pure devotion, our Father in heaven, we wait upon Thee for that holy influence ever emanating from Thy heart, to inspire, uphold, and sustain Thy children in every great thought and noble aspiration.

Be with us this day and uphold, sustain, and guide us in all our acts, that we may inherit the well done good and faithful servant. Under the spiritual guidance of the world's Great Redeemer. Amen.

The Journal of the proceedings of yesterday was read and approved.

PAYMENT OF CLAIMS TO THE WOODEN-SHIP BUILDERS.

The SPEAKER. To-day is Calendar Wednesday, and the Clerk will call the roll of committees.

The Clerk called the roll, and when the Committee on Merchant Marine and Fisheries was reached:

Mr. GREENE of Massachusetts. Mr. Speaker, I call up the bill S. 3451, on the Union Calendar.

The SPEAKER. The gentleman from Massachusetts calls up the bill S. 3451, on the Union Calendar. The House automatically resolves itself into Committee on the Whole House on the state of the Union.



Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. McARTHUR in the chair.

Mr. GREENE of Massachusetts. Mr. Chairman—

Mr. GARD. I think the bill ought to be read. It is short.

The CHAIRMAN. The Clerk will report the bill.

The Clerk read as follows:

S. 3451. An act authorizing and directing the United States Shipping Board to adjust and pay the claims of wooden-ship builders arising out of the prosecution of the war, and for other purposes.

*Be it enacted, etc.,* That the United States Shipping Board be, and it is hereby, authorized to adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships for the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation after April 6, 1917, which can not be paid under the law as it now is, and said board shall adjust and liquidate each claim upon such terms as it shall determine from the facts in the case to be just and equitable, and its decision shall be deemed conclusive and final, except as herein otherwise provided: *Provided*, That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or any officer or agent acting under the authority, direction, or instruction of said board and corporation, or either of them: *Provided further*, That said board shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the board within three months from and after the date when this act shall become a law: *Provided further*, That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or any officer or agent acting under the authority, direction, or instruction of said board and corporation, or either of them, that reimbursement would be provided for in money or contracts for additional work: *And provided further*, That no claim shall be paid unless it shall appear to the satisfaction of said board that moneys were invested or obligations incurred subsequent to April 6, 1917, and prior to November 12, 1918, in a proper and legitimate attempt to produce ships for the needs of the Nation in connection with the prosecution of the war; and that no profits of any kind shall be included in the allowance of any of said claims, and that no investment for merely speculative purposes shall be recognized in any manner by said board: *And provided also*, That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of the United States Shipping Board Emergency Fleet Corporation to recover any money paid by the Government to any party under and by virtue of the provisions of this section, if the Government has been defrauded; and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns of any party.

Sec. 2. That a report of all operations under this section, including receipts and disbursements, shall be made to Congress on or before the first Monday in December of each year: *Provided*, That in the event any claimant shall be dissatisfied with any allowance or award made by said board pursuant hereto, such claimant may appeal therefrom with respect thereto to the Court of Claims, which is hereby given jurisdiction to make such allowances and awards, in the case of such appeals, as it may deem just and equitable.

Sec. 3. That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States: *Provided*, That in determining the net losses of any claimant the Shipping Board shall, among other things, take into consideration and charge to the claimant the then market value of any such plants or the lumber or materials on hand belonging to the claimant and acquired to be used in the construction of any wooden-ship building plant, and also the salvage or usable value of any machinery or other appliances which may be claimed was purchased to equip any wooden-ship building plant, for the purpose of complying with the request or demand of the agencies of the Government above mentioned in the manner aforesaid: *Provided further*, That nothing in this act shall be held or construed to delay or excuse prompt settlement of any claims that can be settled under existing law.

The following committee amendment was read:

Strike out all after the enacting clause and insert the following: "That the United States Shipping Board be, and it is hereby, authorized and directed to investigate, adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships for the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation after April 6, 1917; and said board shall adjust and liquidate each claim upon such terms as it shall determine from the facts in the case to be just and equitable, and may take into consideration, among other things, the conditions under which the contracts were entered into and the conditions under which the work was performed; and its decision shall be deemed conclusive and final, except as herein otherwise provided: *Provided*, That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them: *Provided further*, That no claim shall be liquidated or paid unless it is alleged such claims as shall be made hereunder and filed with the board within three months from and after the date when this act shall become a law: *And provided further*, That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them, that reimbursement would be provided for in money or contracts for additional work: *And provided further*, That no such claim shall be paid unless it shall appear to the satisfaction of said board that moneys were invested or obligations incurred subsequent to April 6, 1917, in a proper and legitimate attempt to produce ships for the needs of the Nation in connection with the prosecution of the war; and that no profits of any kind shall be included in the allowance of any of

such claims, except upon completed ships or on ships partly constructed: *Provided*, That on ships partly constructed only such profits may be allowed on that part of the work of construction actually done at the time of the cancellation of contracts, or on work done thereafter on ships not canceled, as in the judgment of the Shipping Board are warranted by all the facts in the case; and that no investment for merely speculative purposes, or where under the facts it could not have been reasonably expected that ships would be built, shall be recognized in any manner by said board: *And provided further*, That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation to recover any money paid by the Government to any party under and by virtue of the provisions of this section, if such settlement is affected by fraud or mistake of fact; and the right of recovery in all such cases shall extend against the executors, administrators, trustees in bankruptcy, heirs, assigns, and successors, whether by operation of law, consolidation, sale, or otherwise of any claimant or claimants.

"A report of all proceedings under this section, including receipts and disbursements, shall be made to the Congress on the first Monday in December of each year.

"Sec. 2. That whenever the amount found to be due any claimant under the provisions of this act shall be unsatisfactory to the claimant, the claimant, within 90 days after the making of any such allowance or award, shall be entitled to reject such award and sue the United States to recover such sum as may be justly due under the terms and provisions of this act in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code, and the amount so determined by said court shall be paid by the United States Shipping Board in the same manner as awards made by the said board under section 1 of this act.

"Sec. 3. That in determining the amount due any claimant the Shipping Board shall, among other things, take into consideration and charge to the claimant the then market value of any shipbuilding plant, lumber, or materials on hand belonging to the claimant used in the construction or acquired to be used in the construction of any wooden ship or shipbuilding plant, and also the salvage or usable value of any machinery or other appliances which were purchased to equip any wooden ship or shipbuilding plant."

Mr. GREENE of Massachusetts. Mr. Chairman, this bill which is brought before you to-day for consideration—

Mr. BLANTON. Mr. Chairman, will the gentleman yield? I want to find out about the time.

The CHAIRMAN. There are two hours of debate.

Mr. BLANTON. Who is to control the time?

Mr. GREENE of Massachusetts. The ranking member on the minority side and myself.

Mr. BLANTON. We ought to have some understanding about it.

The CHAIRMAN. Is there any member of the committee opposed to the bill?

Mr. DAVIS of Tennessee. I am opposed to the bill.

The CHAIRMAN. The time will be controlled, then, one half by the gentleman from Massachusetts [Mr. GREENE] and the other half by the gentleman from Tennessee [Mr. DAVIS].

Mr. GREENE of Massachusetts. The senior minority member is the gentleman from Texas, Mr. HARDY. I suppose he will be here. The bill was reported, as I supposed, unanimously.

Mr. DAVIS of Tennessee. The gentleman is in error about that. I opposed the bill, but, of course, if Judge HARDY or any senior member of the minority desires to control the time on this side he will be entitled to it if he is here to claim that right.

Mr. GREENE of Massachusetts. I have no objection to Mr. DAVIS controlling the time in opposition. Mr. Chairman, this bill was made necessary because it was found that the Shipping Board had not sufficient authority to settle the claims of wooden-ship builders, who claimed that they were entitled to remuneration because of their being deprived of the opportunity to complete the contracts that had been awarded to them by the Shipping Board.

Before the war broke out we had no shipbuilders practically in this country and very few private shipyards. The shipping act provided for the construction of vessels, and when the war broke out provision was made to construct these vessels for use during the war and also to use for the purpose of building up a merchant marine.

A large number of wooden-ship yards were created, because it was thought that they could build ships much more readily than to postpone construction, with the delay that might ensue if it became necessary to provide contracts and complete plans for construction of vessels of iron and steel, and it was believed that wooden ships were very much in demand and could be more readily constructed. A great number of shipyards were distributed through the Southern States, where there was an ample amount of timber suitable for the construction of wooden vessels, and a number on the eastern coasts, where was located the former shipbuilding plants, in order that they might rush the work of building these ships for use either in the war or in peace.

It was necessary, of course, to instruct a great many people in the construction of ships.

Mr. MONTAGUE. Will the gentleman yield?

Mr. GREENE of Massachusetts. Certainly.

Mr. MONTAGUE. I understood the gentleman to give only two locations where these shipyards were located—in the South and in the East. Were there not some in the West, in Washington?

Mr. GREENE of Massachusetts. Yes; but there was no great amount of shipbuilding in this country until the war seemed imminent. On the western coast, where there were also an abundance of timber and some experienced shipbuilders, contracts were entered into for the construction of wooden ships. When the armistice was signed work was stopped under orders from the Shipping Board. Men who had contracts were told that they must cease work upon the contracts. Shortly afterwards I understood they were told to go ahead and complete contracts that were incomplete. The contractors went to work again, and after a short time they were suddenly stopped, because they were informed that no more wooden ships would be needed, and then the claims for damages began to arise.

In some cases these claims were settled by the Shipping Board, they supposing that as they had authority to make the contracts they had the authority to adjust the claims. Some 70 claims were adjusted, and then on examination into the matter they found that they had not the authority to settle these cases. Consequently the representatives of the Shipping Board came to the Committee on the Merchant Marine and Fisheries in the House and to the Commerce Committee of the Senate and sought to provide some law by which these cases could be heard or to provide some law by which they would have authority to act in the settlement or adjustment of the pending claims.

Mr. MILLER. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. MILLER. In many cases the ships were partially constructed and in a great many other cases timber was ordered and assembled at the plant for the fabrication of the ships according to the type.

Mr. GREENE of Massachusetts. Yes; according to the contracts made by the Shipping Board.

Mr. MILLER. According to the peculiar type of the vessel which the Shipping Board had adopted.

Mr. GREENE of Massachusetts. Yes; and the funds that the Shipping Board had at their control were used in the construction of these ships. Then when they came to adjust the claims for these uncompleted ships and ships that had not been begun, it was found that they did not have authority under the law to adjust these claims.

Mr. CANNON. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. CANNON. I have been so busy with other matters that I have not had time to read the bill. I see that it is a Senate bill.

Mr. GREENE of Massachusetts. It is a Senate bill, but we struck out all after the enacting clause and proceeded to construct a bill embodying the views of the committee, presenting the bill which is now under consideration.

Mr. CANNON. There is so much to know about unscrambling eggs to meet our legal obligations that I think no single Member of Congress can get outside of all of it, and frankly I am not outside of this.

I would like to ask the gentleman, did the Shipping Board have statutory authority to build these ships?

Mr. GREENE of Massachusetts. They did.

Mr. CANNON. There is no question raised about that?

Mr. GREENE of Massachusetts. Not at all.

Mr. CANNON. And they made the contracts which were made, hastily, of course—

Mr. GREENE of Massachusetts. Yes.

Mr. CANNON. But legally made?

Mr. GREENE of Massachusetts. Legally made; but they were made hastily, with incomplete plans, and sometimes they changed the plans. They had plans completed and after they made the contract they changed their ideas relative to the construction of the ships. Of course, it was practically beginning a new business when we commenced to do shipbuilding under Government control.

Mr. CANNON. Well, at any time in the execution of these contracts, which the gentleman says were legal, did the Shipping Board exceed their statutory authority?

Mr. GREENE of Massachusetts. Why, I do not think they did, unless they did it in the adjustment of some 70 accounts.

Mr. CANNON. I am not speaking of adjustments. I have just hastily hop-skipped in reading this bill—

Mr. GREENE of Massachusetts. No; there was full authority given them under the bill to construct ships which was

enacted into law by the Congress, and the cry was from all over the country, "Build ships! Build ships!" because everybody believed that ships were a necessity.

Mr. CANNON. Have these claims that were adjusted been paid?

Mr. GREENE of Massachusetts. I can not tell the gentleman about that. I presume they were paid. They had the funds and they believed they had the jurisdiction to carry out to completion.

Mr. CANNON. Has the gentleman any information as to the amount they adjusted? Mr. Alexander was the chairman of the committee at that time and I was at that time a minority member of the committee.

Mr. GREENE of Massachusetts. Well, if the gentleman wants the amount covered by this bill—

Mr. CANNON. I see about \$15,000,000 is the probable amount that this bill would authorize.

Mr. GREENE of Massachusetts. Yes.

Mr. CANNON. And how much has been paid, if the gentleman knows?

Mr. GREENE of Massachusetts. The money provided for the Shipping Board was provided in bills prepared by the Committee on Appropriations. All contracts were canceled, and work was stopped on the partially completed ships, and the amount claimed to have been saved to the United States by this change in policy was estimated to be between \$125,000,000 and \$130,000,000.

Mr. CANNON. Yes.

Mr. GREENE of Massachusetts. I do not think any estimate of that expense was given, but the fact was that it was discovered that the Shipping Board has been adjusting some accounts and that they had not authority, and so they came to the committees of the Senate and House for authority to make final adjustments.

Mr. CANNON. An inquiry from the Shipping Board or the Treasury would develop how much has been paid?

Mr. GREENE of Massachusetts. I think so.

Mr. CANNON. Without authority; but they believed they had the authority?

Mr. GREENE of Massachusetts. They believed they had the authority.

Mr. CHINDBLOM. Mr. Chairman, if the gentleman will yield, perhaps I can say to my colleague from Illinois, if I may, that these settlements were made by the Shipping Board until Judge Payne, of Chicago, became the head of the Shipping Board. He viewed the matter from a strictly legal standpoint and made the point that there was some question about the authority of the board to go ahead and make these settlements without specific authority from Congress, and he stated to the committee in the hearings very frankly, as I recall, that he thought it better not to continue to make settlements but to go to Congress for authority rather than to continue making them.

Mr. CANNON. What amount was settled and paid? Has the gentleman any information about that?

Mr. CHINDBLOM. My recollection is 70 claims or thereabouts were adjusted, and none of them for a very large amount.

Mr. CANNON. There are some figures in the report that \$15,000,000 would probably—

Mr. GREENE of Massachusetts. That was the estimate of the Shipping Board, as I understand.

Mr. CANNON. That is the estimate of the Shipping Board?

Mr. CAMPBELL of Kansas. If the gentleman will permit—from \$15,000,000 to \$25,000,000.

Mr. GREENE of Massachusetts. It may run to \$25,000,000. I would not be surprised if it should so appear.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. GREENE of Massachusetts. I will.

Mr. DAVIS of Tennessee. Do I understand that is the estimate of the Shipping Board?

Mr. GREENE of Massachusetts. I understood so; yes. That is what they thought would be expended under the bill.

Mr. DAVIS of Tennessee. I understood they declined to make any estimate but thought—

Mr. GREENE of Massachusetts. Not exactly an estimate.

Mr. DAVIS of Tennessee. Mr. Fahey gave that as an estimate but Mr.—

Mr. GREENE of Massachusetts. Mr. Fahey would not be likely to make any larger estimate than he believed necessary to adjust these claims.

Mr. BANKHEAD. If the gentleman will permit, I think the figure of the estimate of Mr. Fahey was \$17,000,000.

Mr. MILLER. The money is available. There is no question about the Shipping Board having it available.



Mr. GREENE of Massachusetts. They have the funds on hand.

Mr. MILLER. And the question is the legal authority to use it?

Mr. GREENE of Massachusetts. They have the funds and there will be no money called from the Treasury. There is money in the Treasury to the credit of the Shipping Board that will pay all the bills coming from this bill and there will be no need of an appropriation from the Treasury to meet the probable requirements under the bill.

Mr. BEE. If the gentleman will yield, the effect of this bill will be to confer upon the department the legal authority to settle these just claims wherein they are just, and the money is now available; that is all.

Mr. GREENE of Massachusetts. That is it exactly.

Mr. WALSH. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. WALSH. Is it not a fact that the chairman of the Shipping Board, who caused the change of policy with reference to the settlement of these claims, after he had stopped settling upon the basis which had formerly been used, was willing to go ahead and resume settlement provided he could get a resolution from the two committees of the House and Senate?

Mr. GREENE of Massachusetts. Oh, no.

Mr. WALSH. Did not he ask—

Mr. GREENE of Massachusetts. He may have asked them first to pass a resolution, but the committee did not think they should do that.

Mr. WALSH. But if he got a resolution, he intended to resume settlement?

Mr. GREENE of Massachusetts. He might have believed that would throw the responsibility on Congress, but I did not think the committee thought that it would require congressional action. Of course, this matter has been lying quiet awhile, because I have not had the opportunity to call this bill up by reason of delay from time to time. If there are any other questions, I shall be glad to answer them now or at any time. If not, I shall ask the gentleman from Tennessee if he would like to occupy any time now?

Mr. DAVIS of Tennessee. Yes.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. SCOTT having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. Dudley, its enrolling clerk, announced that the Senate had passed with amendments the bill (H. R. 13416) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1921, in which the concurrence of the House of Representatives was requested.

The message also announced that the Senate had requested a conference with the House of Representatives on the amendments of the Senate to the bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes, and had appointed Mr. WADSWORTH, Mr. FRELINGHUYSEN, Mr. NEW, Mr. CHAMBERLAIN, and Mr. THOMAS as the conferees on the part of the Senate.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. 4411. An act granting the consent of Congress to the counties of Pembina, N. Dak., and Kittson, Minn., to construct a bridge across the Red River of the North at or near the city of Pembina, N. Dak.;

S. 4427. An act granting the consent of Congress to the city of Columbus, in the State of Georgia, to construct a bridge across the Chattahoochee River;

S. 4431. An act authorizing the construction of a bridge across the Rock River in Lee County, Ill., at or near the city of Dixon, in said county; and

S. 4402. An act granting the consent of Congress to Troup County, Ga., and Chambers County, Ala., to construct a bridge across the Chattahoochee River on the boundary line between the said States.

#### PAYMENT OF CLAIMS TO THE WOODEN-SHIP BUILDERS.

The committee resumed its session.

The CHAIRMAN. The gentleman from Tennessee is recognized for one hour.

Mr. GREENE of Massachusetts. I reserve the balance of my time.

The CHAIRMAN. The gentleman from Massachusetts reserves 45 minutes of his time.

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen of the committee, I regret exceedingly that I am unable to agree

with my colleagues on the Committee on Merchant Marine and Fisheries, which reported out this bill. I have the very highest regard and most profound respect for each and every one of them. I accord each and every one of them entire honesty of purpose, and I have worried considerably over this matter in an effort to so become reconciled to the bill that I would not feel impelled to oppose it. But after studying it assiduously, and having read and reread the hearings, and having considered it from every standpoint, I can not do otherwise than to enter my feeble protest against the passage of the bill, especially in its present form, even though in so doing I go counter to the views of all my colleagues on the committee. I do not delude myself into the belief that I will be able to prevent its passage. But I deem it my duty to express my views, feeble though they may be, with regard to this measure.

It is an extraordinary bill in that it provides for the payment of the public money, not in accordance with contracts either express or implied, but it is designed to allow the payment of the public money beyond any contracts or legal obligations. In other words, this bill proposes a payment of a vast sum of money which these contractors could not possibly recover in any court of the land.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. CHINDBLOM. Then the gentleman would take the same view with reference to other bills which have become laws and which have been passed by this and the preceding Congress, where equitable claims which could not be enforced in the courts of the land have been recognized and ordered paid? Is not that so?

Mr. DAVIS of Tennessee. I do not consider that this bill is analogous to the bills the gentleman refers to. For instance, you take the Dent bill, to which I presume you refer, and how does that read:

*Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to adjust, pay, or discharge any agreement, express or implied, upon a fair and equitable basis—*

And so forth.

That bill was predicated directly upon an agreement, and it was simply a recognition of what might be proven to have been oral contracts. But the bill now in question goes beyond that. It is admitted that the Shipping Board has been willing, and is now willing, to settle all of those claims according to the legal rights of the parties involved.

Mr. HARDY of Texas. Will the gentleman yield right there?

Mr. DAVIS of Tennessee. I will.

Mr. HARDY of Texas. The language quoted from the bill referred to is "any agreement, express or implied." That certainly implies they were not settling those claims by written agreement, does it not, but they were going outside?

Mr. DAVIS of Tennessee. I say the purpose of the Dent bill was to recognize oral contracts.

Mr. HARDY of Texas. And also agreements expressed or implied. It was to recognize equitable claims, was it not?

Mr. DAVIS of Tennessee. In a sense, when based upon an implied contract, and yet I insist that the bill under consideration goes beyond that.

Mr. BANKHEAD. Will my colleague from Tennessee yield for a brief question in that connection?

Mr. DAVIS of Tennessee. Yes.

Mr. BANKHEAD. I call the gentleman's attention to the following language in the pending bill, in connection with the gentleman's argument:

*That the United States Shipping Board be, and it is hereby, authorized and directed to investigate, adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships for the United States—*

And so forth; limiting the adjustment of either to the work that was actually done by these parties or which was contracted to be done under the authority of the Shipping Board.

Mr. DAVIS of Tennessee. I want to ask the gentleman if he does not understand that the primary purpose of this bill is in order that the Government will be authorized to pay these contractors for their shipyards?

Mr. BANKHEAD. I think so, yes; under proper limitations and construction of—

Mr. DAVIS of Tennessee. If the gentleman will permit me, I would like to be permitted to make a statement before I yield further.

Now, on that question, Judge Payne was the chairman of this Shipping Board, and he testified before both the Senate and the House committees in regard to the purposes of the bill, and the controversy between the contractors and the Government through the Shipping Board. I presume that it is conceded that he is good authority, and I do not think his statement will be controverted. Now, here is what he says about it.

Mr. CHINDBLOM. Where is that?

Mr. DAVIS of Tennessee. I read from page 5 of the hearings before the Senate Committee on Commerce.

Mr. BEE. Whose testimony?

Mr. DAVIS of Tennessee. John Barton Payne's. He was chairman of the Shipping Board. He says:

The question, therefore, which presents itself to us as to the payment of damages, or compensation, divides itself into three classes—all of these gentlemen having contracts which fixed a definite contract price—First is the question of work they have done and the material they have furnished.

Second, the legal damages which result under the contract on account of cancellation of the contract.

As to those two questions, there is no legal difficulty. It is simply a question of agreeing between the shipbuilders and the Shipping Board on the amount to be paid.

The controversial question is the third, and that is the payment to them of a sum of money which would make them whole by the Government's absorbing the cost of their yards. As to that, it has seemed to me that we had no right to deal with it; that was a matter which Congress alone had the power to arrange; that the Shipping Board was limited as a matter of law to the legal damages which grew out of the cancellation of the contracts.

Again, on pages 64 and 65 of the House hearings Judge Payne says:

The principle, I thought, was quite simple, that after paying the man for work under the contract for all work and materials furnished then we got to the question of the damages growing out of the cancellation of the contract. Now, those damages, it seems to me, were to be determined by the rules of law applicable to contracts, and that that did not embrace these general claims which are illustrated by the word "amortization"; in other words, to give to them the cost of their yards. In that is where I think the line must be drawn.

In discussing this question before the Committee on Commerce, as recorded on page 12 of the hearings, Judge Payne again said:

Senator KIRBY. When Judge Payne continues his testimony I would like it to appear whether only such men as those who had contracts or thought they had contracts with some such provision as that in them are making claims against the Government for compensation which this bill is expected to give them a remedy for?

Mr. PAYNE. No, Senator; that is not the question, as I see it, at all. The point made by Mr. Fahey is—well, the point mentioned by him as to the district managers, as I understand it, involves the carrying out of the made contract.

Senator KIRBY. Yes.

Mr. PAYNE. That did not involve original commitments by the Shipping Board to the shipbuilder. The point you are concerned in is that men are to get something to make them whole, which is not covered by any form of contract, written or otherwise, but was due to their enthusiasm in going forward and incurring a larger investment than the contract warranted.

On page 35 of the House hearings Mr. Fahey, who took a more active interest before the committees than any other representative of the contractors, concedes that the Shipping Board was willing to settle with them according to the legal rights of the contractors and of the Government, and, as has already been stated by the chairman of the committee, there have been some 70 contractors, I believe, who have already been settled with.

Mr. BEE. Will the gentleman from Tennessee yield right there?

Mr. DAVIS of Tennessee. For a question.

Mr. BEE. Is it not true that up to the time that Mr. Payne came upon the board the claims were being settled; that the reason for this resolution now is because Mr. Payne thinks Congress ought to give the authority before they go ahead, and not because of any objection on his part?

Mr. DAVIS of Tennessee. It is a fact that there was some controversy between Judge Payne and other members of the board as to whether or not the board should settle according to contract and legal rights or whether they should just go along and settle without regard to contractual and legal rights. I think that all the lawyers on the committee which reported out the pending bill agree that Judge Payne was correct in his construction and contention. Judge Payne is a very able lawyer. Some of the members on the Shipping Board were not lawyers.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield right at that point?

Mr. DAVIS of Tennessee. Yes.

Mr. HARDY of Texas. As I understand it, as Judge Payne presented it, it was that under the law as it existed he doubted if the board had authority to deal justly under this third provision. He said the third question was, as read by the gentleman a moment ago, to make them whole by the Government absorbing the cost of their yards: "As to that it has seemed to me that we had no right to deal with it." The chairman of the Shipping Board thought that involved a function and a power that the board was not clothed with, and that that was a matter necessarily for Congress.

Mr. DAVIS of Tennessee. Yes; and he declined to advise the committee as to what action they should take in that regard, as I remember.

Mr. HARDY of Texas. Unquestionably the chairman of the Shipping Board said, "Gentlemen, that is a question of equity that addresses itself to Congress, and as an official of the Shipping Board I do not wish to advise."

Mr. MONTAGUE. Mr. Chairman, will the gentleman yield there?

Mr. HARDY of Texas. Certainly.

Mr. MONTAGUE. The question with Judge Payne, then, was a lack of authority?

Mr. HARDY of Texas. The lack of authority, under the law, to pass upon the question.

Mr. DAVIS of Tennessee. A good deal has been said, and no doubt will be said, about the patriotism of these contractors, that they threw themselves into the breach through patriotic motives, and all that sort of business.

Judge Payne said in his testimony—I can not turn to it right now—that the Shipping Board was besieged with these contractors wanting these contracts, and a controversy arose, as many of you remember, as to whether we should enter upon the wooden-ship building program. As you will remember, there was a very considerable difference of opinion between Gen. Goethals and Mr. Denman. Mr. Payne states, and it is otherwise shown, that during that time these wooden-ship contractors and prospective contractors did a great deal of lobbying in an effort to get this Government to engage in this program which had been proposed, and I have been told by numerous Members of Congress that they were from time to time besieged by these would-be contractors from their districts, who were asking them to get some of these contracts for them. Be that as it may, I believe that we, as representatives of the people, ought to deal with the public money just as we deal with our own money or as if we were an attorney representing a client. I believe that we should be just to the taxpayers before we are generous to these contractors, or any class of citizens, especially when our Government is deeply in debt, is facing a large deficit, and the people are groaning under the burdens of taxation. Are you never going to halt this mad, wild orgy of squandering the people's money? Can not we pause for a moment and think of the folks back home, who pay all these enormous appropriations, and whom we are supposed to represent?

These contractors undoubtedly entered into these contracts with a view to making money, which was all right. I am not criticizing them one particle for that. It is undoubtedly true that many of them came out "in the hole," to use a slang expression, and that was largely due to the fact that the war ended before anybody expected that it would end. That is true. We all concede that.

Now, what is the basis of this bill? What is the gist of the proposition? It is simply this: The Government entered into contracts with these various contractors for a specific number of ships to be constructed, 2 or 4 or 6 or 8 or 10, as the case might be. They never entered into a contract for more than 10 at a time.

Some of the contractors with whom these contracts were made already had their shipyards. Others did not have them, and, of course, had to construct them. These contracts were all written. There were two classes. One class was what was known as the lump-sum contract. That was the first kind, and it soon developed that both the Government and the contractors had underestimated the probable cost, and the Government generously and magnanimously relieved all of them from those contracts who asked to be relieved.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from Illinois?

Mr. DAVIS of Tennessee. I yield for a question.

Mr. CHINDBLOM. The gentleman just said that some of the contractors had shipyards and others did not have shipyards.

Mr. DAVIS of Tennessee. Yes.

Mr. CHINDBLOM. The gentleman will recall that in some cases the Government advanced the money for the establishment and building of the shipyards to the contractors, and in other cases the contractors themselves advanced the money?

Mr. DAVIS of Tennessee. That is true.

Mr. CHINDBLOM. Does the gentleman think it is fair that the men who themselves advanced the money for the shipyards should be put in a less advantageous position than those who were forehanded enough to get the money in advance from the Government?

Mr. DAVIS of Tennessee. I do not think any difficulty has resulted from that situation. It is immaterial as to where they got the money, whether they had it or borrowed it from a bank or from the Government.



Mr. CHINDBLOM. The Government is not recovering any of the money advanced for the building of those ways.

Mr. DAVIS of Tennessee. I do not know about that. I think it should, where it is possible to do so.

Mr. CHINDBLOM. It was done under the contract which the Government has made, that the Government would advance the money.

Mr. DAVIS of Tennessee. Certainly; and in that manner the Government not only made a contract under which the contractors expected to make a profit but advanced to them money with which to operate, and I think that was a favor rather than doing them an injury.

There was another class of contracts known as the cost-plus contract, in which it was provided that they were to make \$15,000 profit on each ship, and they were settled with on that basis wherever they had completed the ships and where they had partly completed them and were willing to settle on that basis when there had been a cancellation of the contract. In that class of contracts it was expressly provided that a portion of that would be net profit and a portion of it should go into the amortization of the shipways and plants. It was taken into consideration in that way.

Whenever they went along and completed the ships the Government settled with them without question, and they were generally given other contracts where they were able to take care of them. It went on in that way until the war terminated, and then the Government began canceling these contracts.

I heartily approve of the Government settling with all of them according to their legal rights, giving them all the damages to which they would be entitled in any court in case of cancellation of contracts, and, as I have before shown, there is not any difficulty in cases of that kind. They have already been settling them in that way and are still willing to settle them in that way. These contracts, most of them at least, made no provision whatever for the Government paying for these plants in which the ships were to be constructed and were constructed.

These men say they were given assurances by Tom, Dick, and Harry, connected with the Shipping Board, that they would be given more contracts and more contracts and sufficient contracts so that they would come out all right; but the fact remains that the Government cautiously and properly only made contracts for a certain number of ships at a time, and though some of these men constructed enough ships to come out all right, others practically had not constructed any. But the point I am making is that when they had entered into that proposition, when they entered into those contracts, they took their chances. Their case is just like that of any other contractor who contracts to construct a building, or a ship, or anything else. He takes his chances on unforeseen circumstances. These contractors knew just as well as the Government knew as to when this war would terminate. They knew that these wooden ships were being constructed solely because of the emergency and were useful for war purposes only. They did not have any right to depend upon any belief or general vague assurance from anybody that the war would continue, or that the Government would continue to give them contracts.

Mr. BEE. I do not want to interrupt the gentleman from Tennessee unduly, but will the gentleman yield and let me ask him a question to see if I understand this thing?

Mr. DAVIS of Tennessee. I yield to the gentleman from Texas.

Mr. BEE. I understand that 70 contracts had been settled before Judge Payne raised the objection by the Shipping Board. Is that correct?

Mr. DAVIS of Tennessee. No; all of those were not settled before then.

Mr. BEE. I understood the gentleman from Massachusetts [Mr. GREENE] to say that prior to the time Judge Payne raised the question of the legal authority to act about 70 contracts had been settled.

Mr. DAVIS of Tennessee. I understand that some of them have been settled on up until comparatively recently, and I think Judge Payne mentioned the fact that—

Mr. BEE. Will the gentleman yield for another question?

Mr. DAVIS of Tennessee. I will have to decline to yield, because my time is fast flying. On that point, Mr. Stevens, vice chairman of the board, said that there is no record of any authority having been given by the Shipping Board, or of anybody having been authorized to tell these different contractors that they would be given more contracts than were actually given them in writing.

There is one other matter to which I wish to call your attention before I take my seat, and that is the question as to what it will cost the Government if we pass this bill. Our

chairman referred to that matter. I think the hearings will show that the members of the board expressly declined to give any opinion, because they said they did not know, and nobody else knows; but here is some testimony on the subject. Mr. Fahey was before the committee, and Mr. EDMONDS, a member of the committee, asked him this question:

You think that \$25,000,000 as an outside would pay for all these plants and pay all we need to pay? Would we be fair to say on the floor that we know it will not exceed between \$15,000,000 and \$25,000,000—it will not exceed that?

Mr. Fahey—he was one of the contractors—replied:

If you ask me, I would say "yes." Now, that information is based on what I know of the settlements that have been made, and what the people in Philadelphia say out of their experience.

Then, Mr. E. W. Wright, who was another contractor there before the committee urging the passage of this bill, spoke up and said:

I do not think \$15,000,000 will come anywhere near it. I do not think \$15,000,000 will pay the northwest claims.

No man knows what this is going to cost the Government.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DAVIS of Tennessee. I yield to the gentleman from Illinois.

Mr. CHINDBLOM. Is it not a fact that Mr. Fahey appeared for all of these claims, while Mr. Wright was there only for himself?

Mr. DAVIS of Tennessee. I do not know as to that, but Mr. Wright was from the Northwest, and I presume he would not have made such a statement contrary to his own interest, if there had not been some basis for it.

Mr. MANN of Illinois. Mr. Wright, representing a certain section, thought that \$15,000,000 would not cover the claims of that section?

Mr. DAVIS of Tennessee. Yes.

Mr. MANN of Illinois. And that was only a small part of the total claims?

Mr. DAVIS of Tennessee. Yes.

Mr. MANN of Illinois. And the other gentlemen were trying to get a bill passed?

Mr. DAVIS of Tennessee. Yes; and showed very great interest in getting it passed, all the way through.

Now, gentlemen, as I say, I think we are making a mistake, and I hope to have time to discuss some of the features of the bill under the five-minute rule. Even granting that the principle is correct, and that we ought to embark upon this proposition, I do not think that the bill sufficiently protects the interests of the Government, and I shall refer to that possibly and offer some amendments later on. But one thing is certain, that there is not even any provision for the Government to be represented by counsel in these claims, and we may rest assured that the contractors will be well represented in that regard. They are given the right to go into court and sue if they are dissatisfied with the findings of the Shipping Board, and yet this bill refuses to grant any appeal to the Government in the event that it should be dissatisfied with an award made by the board. And there are numerous other features of the bill which I think do not afford sufficient protection to the interests of the Government.

Mr. MANN of Illinois. Will the gentleman yield for one question?

Mr. DAVIS of Tennessee. Yes; I yield.

Mr. MANN of Illinois. The Senate bill, which passed the Senate, seems to have some provisions in it endeavoring to guard the interests of the Government. I notice that the House committee proposes to strike out all of the Senate bill and to insert a House amendment which it seems to me does not have any provisions guarding the interests of the Government. Will the gentleman give his viewpoint as to the difference between the Senate bill and the House bill, very briefly?

Mr. DAVIS of Tennessee. I think the conclusion stated by the gentleman from Illinois is largely correct. In some particulars, I think, the House bill is an improvement on the Senate bill. In other respects I think it is just the reverse, and as stated by the gentleman, I think some provisions that were embodied in the Senate bill have been eliminated from the bill as now reported.

I reserve the remainder of my time.

The CHAIRMAN. The gentleman has consumed 28 minutes and has 32 minutes remaining.

Mr. DAVIS of Tennessee. Mr. Chairman, would the gentleman from Massachusetts like to have me use some more of my time, or would he like to yield some time?

Mr. GREENE of Massachusetts. If the gentleman would like to use some more time now, he can do so.

Mr. Chairman, I yield 15 minutes to the gentleman from Pennsylvania [Mr. EDMONDS].

Mr. EDMONDS. Mr. Chairman, in the first place I desire to call the attention of the committee to the amount of money involved in the settlement of these claims.

Mr. CULLEN. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CULLEN. Will not the gentleman kindly explain to the House the purpose of the bill? I think if the Members understand thoroughly what the purpose of the bill is they will agree with the proposition in the final analysis.

Mr. EDMONDS. I will do that.

Mr. CULLEN. This bill is simply an honest bill to allow the Shipping Board in their discretion to adjust these claims. I would like to have the gentleman explain that to the House.

Mr. EDMONDS. Mr. Chairman, I want first to call the attention of the committee to the amount of money involved and how it is divided up. As Judge DAVIS has explained, there are two or three different kinds of claims against the Shipping Board. I think he mentioned three of them. Two of them can be settled to-day by the Shipping Board under the present law. The amount involved was stated before the Committee on Appropriations, in the sundry civil appropriation bill for 1920, to be \$69,000,000. This undoubtedly included the amount to be paid in reimbursement for building shipyards. The probabilities are that they can settle to-day under this \$40,000,000 of these claims, and will have to settle them legally. The only thing in controversy is, are you going to pay the original investment made by these men in shipyards, on account of not giving them the amount of business you originally promised to give them? The amount of money involved in the cancellation of the wooden ships was \$193,000,000. It was considered good policy by the Shipping Board to cancel these contracts.

Mr. EVANS of Nebraska. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Not now. It was considered good policy to cancel these contracts for \$193,000,000, even if it did cost \$69,000,000 to do so, and I agree with them, because you know and I know that the wooden ships have not been successful. Every ship that we sell to-day we sell at a great loss. Their performance has not been good. You who were here when the war started will remember that we wanted ships, that there was a great controversy between Mr. Denman and Mr. Goethals and a few others in the Shipping Board as to whether they would build wooden ships or steel ships. It was afterwards decided that we needed both kinds, and the Shipping Board went ahead and made contracts for both kinds of ships. They made contracts with such existent wooden yards as there were. They also made contracts with different groups of citizens at advantageous points, where there was lumber or material with which to build the ships.

Mr. CLEARY. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. CLEARY. And is it not also a fact that in places where there never was a shipyard, where there was no lumber, people did start the building of ships, such as on Long Island and away up the Hudson River?

Mr. EDMONDS. There is no question about that.

Mr. CLEARY. And they went to great expense and accumulated plants that they never could use.

Mr. EDMONDS. There is no question about that. The Shipping Board then sent out representatives to different sections of the country. These men gathered together in the different cities groups of citizens, in a great many cases men who did not know anything about shipbuilding. There may have been a promoter in between, I do not know; there may have been some man who did know how to build ships, who was a ship engineer, or who had some idea of how to build wooden ships, who came down here and said to the Shipping Board, "I will go and get a group of citizens in Richmond, Va.," as was done, or in Seattle, and so forth. Mr. Brent, I think, of the Shipping Board, personally went before the Richmond people and asked them to go ahead and build the ships, stating that it was their patriotic duty to build these ships; that the Government must have them. The result of that operation was that there were 77 wooden shipyards with 336 ways built, or already constructed, and 18 wooden tug yards with 84 ways and 9 wooden barge yards with 22 ways. These men went ahead and built under the promise—under the statement; it was not a promise, because it is not binding—from the Shipping Board that sufficient contracts would be made with them to cover the original investment. It is an implied promise by an official of the Government. It seemed to me that while it might not look advisable at the present time, yet at the same time it is reasonable to suppose that men would act in that manner when they needed ships so badly. These men invested their money. They built the ship-

yards. They were given a contract, in most cases, for four ships, with a promise that if they were sufficiently expeditious in building those four ships they would get four more, and so on until they got enough ships to make the operation pay. The salaries were all paid by the Government, of course, in most of these yards and all expenses were paid by the Government. It was simply another case of know how, the same as in Hog Island. These men who made the investment did not know how.

Mr. OLIVER. Were these contracts in writing or oral?

Mr. EDMONDS. Most of them were oral contracts.

Mr. BEE. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. BEE. Is not this the situation, that the Shipping Board settled about 70 of these cases until Mr. Payne came upon the board? When Mr. Payne came upon the board he doubted the legal authority of the Shipping Board to proceed, but not the justice of the claims, and he suggested that Congress give them the authority to do with the rest of the contracts as had been done with the other 70.

Mr. EDMONDS. Mr. Hurley originated the plan for settling these shipbuilding contracts, and Mr. Payne continued it until October. In October Mr. Payne doubted his authority to settle these contracts—not the portion of the contract that was legal, which Judge DAVIS called attention to, but the question of the claim that was made by these men for an entire return of the capital invested.

Mr. RAKER. Mr. Chairman, will the gentleman yield?

Mr. EDMONDS. Yes.

Mr. RAKER. On page 2 of the report it is stated how this matter started with the shipbuilders. Would the gentleman tell the committee whether or not the shipbuilders entered into a written contract with these various boards before they proceeded to build these wooden ships?

Mr. EDMONDS. In some cases the yards were started and were proceeding for some time before the contracts were closed, but eventually they all closed the contracts.

Mr. RAKER. In practically every case?

Mr. EDMONDS. I think in every case. I do not know any that that is not true of. I think there was no yard that did not have a contract.

Mr. SNELL. How many more claims are there against the Government?

Mr. EDMONDS. I think probably there will be 70 or 80 more claims.

Mr. Chairman, I must decline to yield further.

Mr. RAKER. Just one more question of the gentleman. Let me finish this line of inquiry.

Mr. EDMONDS. Go ahead.

Mr. RAKER. These requests or demands suggested in the bill, line 8, page 5, are such that where these various authorities went out to these men and told them they wanted them to go to this work and they did, those are cases in addition to where there was a special contract made which the gentleman intends to cover in this bill?

Mr. EDMONDS. Yes; that is right. Now, in answer to the appeal from the Government there were 12 yards started in the New England district; 14 yards in the northern Atlantic district; 13 yards in the middle Atlantic district, that is, around Chesapeake Bay; 9 yards in the southern district, around Florida; 10 yards in the Gulf district; 7 yards in the western Gulf district; 8 yards in the southern Pacific district; 13 yards in the northern Pacific district; 11 in the Oregon district; and 7 in the Great Lakes district. You see they are distributed over the country and took in probably every point that would be possible to see any advantage to aid building wooden ships.

Now, these men built very few ships in each of these yards, some of them four and some eight. They were supposed to be reimbursed for this building. They were to get \$15,000—\$8,000 profit and \$7,000 toward the ways. It was presumed and stated that shipbuilding would be good for years, and they would be able to continue building these wooden ships, which has not proven true. So therefore they are left in this position, that unless the Government comes to their rescue there is nothing but bankruptcy left for them. Of course, some men may pull through if they have sufficient money, but it will mean a severe loss.

Mr. EVANS of Nebraska. Will the gentleman yield?

Mr. EDMONDS. I will yield to the gentleman.

Mr. EVANS of Nebraska. Referring to section 2, page 5, I note it is assumed there that these persons can sue and recover. If they can sue and recover, why give them the right to settle; why do you fix their rights as you do under section 2?



Mr. EDMONDS. The bill is drawn around this fact, that it is desired to return the original investment to these men; in other words, pay for their plant.

Mr. EVANS of Nebraska. But why give them a profit, why provide for a profit if it is only to return the amount that they have got in these plants?

Mr. EDMONDS. The question of profit is one that can be settled here. It is part of the bill, and the gentleman can move to cut it out if the gentleman does not like it.

Mr. EVANS of Nebraska. Why does the gentleman provide in this bill, page 6, that the claimant may appeal, and you only allow the Government to appeal if there is fraud, and then they must pay the money and sue to recover?

Mr. EDMONDS. If the gentleman will look at line 17, page 6, he will see that "the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter to be appointed, from the right of review of such settlement."

Mr. EVANS of Nebraska. Then, at the bottom of the page, line 25, and line 1, on page 7, you say that it must be based on fraud or mistake of fact that they have the right to sue and recover the money back.

Mr. EDMONDS. No; it is not based on fraud. It is based on cause that might arise. It is not based simply on fraud.

Mr. EVANS of Nebraska. Fraud or mistake of fact.

Mr. EDMONDS. No; there is a comma after the word "settlement" there.

Mr. HARDY of Texas. Let me suggest to the gentleman that we went over this proposition, and as the settlement was to be placed in the first instance in the hands of a Government functionary, a Government official, and having given the whole right to decide these matters to this officer we thought that it was a strange provision to appeal from the Government's own decision to the Government itself.

Mr. EVANS of Nebraska. It has been a very expensive matter when the Government has so settled.

Mr. HARDY of Texas. We have provided that if any mistake or fraud was made by the commission settling these matters that it might be appealed from.

Mr. EDMONDS. Mr. Chairman, that is all that is contained in this bill, merely validating the settlement in the cost of these yards, and it is a question whether the House wants to decide on so doing. Now, I do not think there is very much difference from the settlement of some of the war claims; I do not think there is very much difference from paying the contractors of public building; I do not think it is very much different from what we have done here. The question is, Are these men to have the privilege to collect for the original investment? We thought the bill would properly safeguard the Government in every way, and that the Shipping Board, far from being compelled to make this settlement, could refuse to make the settlement if they had a just cause in the way of fraud or anything like that.

The CHAIRMAN. The time of the gentleman has expired.

Mr. EDMONDS. Mr. Chairman, I ask the right to revise and extend my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. DAVIS of Tennessee. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. GARD].

Mr. GARD. Mr. Chairman and gentlemen of the committee, in the limited time I have at my disposal I desire to call attention to certain features of the bill such as the committee is advised entails the possibility of an expenditure of \$50,000,000. The House amendment, I think, should be limited in its language to claims arising out of contract, and therefore the first suggestion I would make in the bill—and I desire to make pertinent suggestions only—is that the language on page 4, line 21, after the word "claims," there be inserted the words "arising out of contracts, expressed or implied." I think there should be a limitation of that kind. I also call attention to the language on page 5, line 13—

Mr. EDMONDS. Will the gentleman yield there?

Mr. GARD. I have not the time. I can not yield, as I have only four minutes.

Mr. EDMONDS. That is a printer's mistake and will be corrected.

Mr. GARD. As to page 5, line 13, the gentleman states that is a printer's mistake, and so I presume it must be corrected; but there is an error in lines 13 and 14, because as it is now expressed it is meaningless. The other questions that arise in

my mind are on page 6, at line 15, in which the House inserted this language:

Where under the facts it could not have been reasonably expected that ships would be built, shall be recognized in any manner by the board.

Now that is extending a tremendous discretion, if the word may be properly used, to the Shipping Board to take care of all sorts of contracts where men are disappointed in the fact that the war ended when it did and that they did not get the opportunity to continue their existing war contracts. And that is exactly what we may expect to have under this bill when we go so far as to authorize anybody to say that they can adjust claims where the claimant reasonably might expect that his ships would be built and were not built because of the fact of the cessation of the war as announced, at least, by the armistice.

Also, I would call attention to the fact that everything in this bill proper for the administration of justice is contained in section 2, which provides that the courts of the land may be appealed to by the claimant. I call attention also to the fact that in the consideration of the bill there is no language expressed by the House or anyone representing in any legal sense the Shipping Board; no one appearing for the interests of the United States in the matter of these claims arising from contract or without contract, either express or implied; that there is no right of appeal to the courts on the part of the Government; that the interests of the Government are not safeguarded as, in my judgment, they should be.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, some reference has been made to the position on this bill of the chairman of the Shipping Board. Judge Payne was the chairman of the Shipping Board who discontinued making settlements after his predecessors had permitted settlements to be made. I call attention to page 60 of the hearings of January 14 and 15 of this year, where, in response to a question by the gentleman from Texas [Mr. HARDY], Mr. Payne used these words:

I have felt and expressed it as my opinion, while I do not think we have the right as a matter of law to amortize the cost of those yards, that there was a moral obligation on the part of the country to make the shipbuilders whole and to pay what was just and equitable to that end.

That is directly upon the question, Mr. Chairman, of amortizing the cost of the plants, and that is the only question here involved. You say that it will cost \$20,000,000 or \$25,000,000 to settle these claims. Only a small part of that sum is for the cost of amortizing the plants. Most of it will be legal claims or claims cognizable at law for which recovery could be made. When the Shipping Board at the beginning of the war went out on the Atlantic and the Pacific coasts, on the Gulf and on the Great Lakes, and urged men to organize corporations for the purpose of building wooden ships in order that we might build ships faster than the Germans could sink them, these men responded to this call. I am not here for the purpose of framing for them a crown of glory on account of their patriotic endeavor, but, on the other hand, now since the war is over and we have come to the sober second thought, let us not forget that during the war everybody was anxious to do his part, and I want to say that many of these shipbuilders did their part from a patriotic impulse, and they did it because they were requested by the representatives of the Government so to do. They established their plants. The armistice came, and they found themselves with a lot of ways for the building of wooden ships for which there was absolutely no use. Wooden ships are a thing of the past. Even the Shipping Board itself, perhaps, made a mistake in advocating the building of the ships during the war, but it was done.

Mr. SABATH. Will the gentleman yield for a question?

Mr. CHINDBLOM. For a short question.

Mr. SABATH. Has the gentleman the names of these patriotic contractors that will be benefited under this bill? If he has, I will appreciate it, and I know the country will appreciate it, if he will insert the names of all of these patriotic contractors that have taken on these contracts in the interest of the United States.

Mr. CHINDBLOM. That is no question. If the gentleman wants to make a speech, let him make it in his own right. I decline to yield to him further. There is no use now in indulging in aspersions upon men who during the war actually sought to do something for the Government. I say they did seek to do something for the Government.

I want to call your attention to some of the safeguards of this bill. We have considered it for a very long time. We

have had very extended hearings. We had Judge Payne before us, and he made a complete statement as to his views on the matter, just as I stated awhile ago. Mr. Payne said, on page 61 of the hearings, to which I have just referred, that he thought Congress should advise the Shipping Board; that we should indicate the lines along which settlements should be made. On page 65 of the hearings you will find this in the statement of Judge Payne:

You know I went so far as to say to these gentlemen that if the committees of the Senate and the House would go on record as directing us to proceed, I would be willing to take the responsibility. Of course, it is very much better that the Congress should pass this legislation and should define the rules, as far as it reasonably may, which we may follow in awarding compensation.

Mr. WALSH. Will the gentleman yield for a short question?

Mr. CHINDBLOM. For a short question.

Mr. WALSH. What does the present personnel of the Shipping Board say? Judge Payne is no longer a member.

Mr. CHINDBLOM. We have not had any hearings since Admiral Benson became chairman of the board.

I want to call attention now to some safeguards of this bill. In the first place, no claim shall be liquidated or paid unless it is based upon a request or demand of the Shipping Board or somebody representing the Shipping Board or the Government. In the second place, the claims must be filed within three months from and after the passage of this act. Then, too, every claim must be shown to be made in good faith and upon assurance by some one representing the Shipping Board or some one representing the Government that reimbursement would be provided for in money or contracts for additional work. Next it must be shown that the money was invested or obligations incurred in a proper attempt to produce ships for the use of the United States in prosecution of the war. Next it provides that the settlement of any claim under these provisions shall not bar the Government through its authorized agents to proceed to recover any money paid by virtue of this bill under mistake of fact or through fraud.

Gentlemen have said that there should be provided a review of any settlement by the Government. I do not think it matters whether you insert such a provision or not, since the fact is that the Government is itself making these settlements.

The Government, through the Shipping Board and through the legal department of the Shipping Board, will have full authority to make these settlements; but to provide that the party which makes a settlement shall immediately proceed to have a review of its own action is certainly something unusual. However, if it is desired, such a provision can be inserted in the bill. I am sure the committee are perfectly willing that such a provision shall go into this bill.

With reference to section 2, which has been the subject of some criticism, I call your attention to the fact that it is only in the event that the claimant is dissatisfied with the action of the Shipping Board that he may then within 90 days reject the award and sue the United States. But if he does sue the United States he loses many of the advantages under this bill. He would find the presentation of proof much more difficult and technical in the courts than before the Shipping Board. He can go to the Shipping Board now and get a settlement of that which is legally due him. In fact, Mr. Chairman, the Shipping Board has made settlements which provide that, in addition to the amounts which have been allowed upon a legal claim, the claimant can come in hereafter and demand further settlement if this bill should pass.

Mr. OLIVER. Mr. Chairman, will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. OLIVER. If that is already a right, why put it in this bill?

Mr. CHINDBLOM. Because under this provision the claimants would have no further right to submit their claims to the courts.

Mr. MONTAGUE. They can go into the courts now.

Mr. CHINDBLOM. Yes; they can go into the courts now; but having once submitted their claims to the Shipping Board they are placed in the position of having submitted to one tribunal.

Mr. OLIVER. The gentleman can find no authority for the claim that giving them an existing right would constitute any waiver of an existing right.

Mr. CHINDBLOM. This fixes a time within which they must act. They must act within 90 days; otherwise they will not have the right.

Mr. OLIVER. I am not in agreement with the gentleman in the belief that the conferring of jurisdiction on the courts in the case of claims of this kind does not give additional rights to the claimants that they would otherwise not possess.

Mr. CHINDBLOM. But, having submitted his claim to the Shipping Board, if a claimant is dissatisfied with the decision of the Shipping Board and resorts to the court he must take such action within 90 days.

Mr. OLIVER. The gentleman's claim, supplemented by the remark of the gentleman from Virginia [Mr. MONTAGUE], is that it confers no additional rights on the claimant and confers no status on him that he would not otherwise have. If that is true, we should not put that in.

Mr. CHINDBLOM. The gentleman is not asking a question now. The provision contains a limitation of the time within which the claimants may take action in the courts. We want them immediately to determine within 90 days whether they are going to stand upon the decision and action of the Shipping Board or take further action elsewhere.

The CHAIRMAN. The time of the gentleman from Illinois has expired.

Mr. CHINDBLOM. Mr. Chairman, I ask unanimous consent to extend and revise my remarks.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. CHINDBLOM. And in so doing I ask leave to insert a letter addressed to the honorable chairman of the committee at the present time from one of the claimants.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The letter in question is as follows:

WASHINGTON, D. C., February 11, 1920.

Hon. C. N. MCARTHUR,  
House of Representatives, Washington, D. C.

MY DEAR SIR: Referring to that bill which I spoke to you about this morning, there were two classes of yards interested. On the river there were half a dozen yards like our own which had a complete plant and going business at the time the United States entered the war. The other class were new yards which spent considerable money providing plant and equipment, expecting to have a long run which would enable them to amortize their plant and possibly pay them a small profit.

In the case of established yards like ours we were building motor ships and selling them faster than we could build them at a profit of about \$50,000 per ship. We were ordered by the Government to discontinue this work and undertake construction of wood ships of a type furnished by them. They left us with material on hand for four of those motor ships, and by putting in effect the Macey scale, an absurd system of classification, so greatly increased the cost of labor that we lost \$141,000 on two schooners which we had started to build before the Government virtually took possession of our yard.

Acting under direct instructions from the Emergency Fleet Corporation officials we enlarged the plant and added additional equipment to a total cost of \$350,000, an expenditure which was absolutely unnecessary for the highly profitable business we were engaged in when we were switched on to this Government work. At the time we made these improvements we were promised a long run in the yard—Mr. Schwab and Mr. Plez both coming out there and stating we would be kept busy at least into 1920.

We built 10 ships under our first contract and had just started on a second contract for 10 more; 9 of this second 10 were canceled without a moment's notice after we had expended \$300,000 in actual construction and had purchased approximately \$400,000 worth of material with which to complete the contract.

In attempting to settle our claim we have not asked for anything to cover the enormous losses sustained by having our motor-ship business shot to pieces nor for the general demoralization caused by the infamous Macey scale and classification which practically took the management of our yard out of our hands, neglecting, however, to relieve us of the work of digging up money for the pay roll.

The bill now before Congress provides only for recompensing owners for the actual loss suffered through attempting to build a ship of the Government's own design and under the Government's own rules and classifications and labor regulations. The original design of the ships was changed repeatedly, every builder being obliged to make hundreds of changes. These changes ranged in price from a few dollars up to hundreds and, in some cases, thousands of dollars, making the cost of a completed ship vastly greater than could possibly have been contemplated by the bidders who undertook the work at a figure based on a certain style of construction and a certain classification of labor. We are also asking a small profit on the ships actually built, but this profit added to the cost of the ship does not even approximate the figure which the same type of vessel cost the Government in yards where they provided the plant and equipment and paid all the bills.

The essential point of the whole matter is that the yards were asked, and in some cases forced, to undertake this work at a price fixed by the Government, which at the time was not in a position to know what the work actually was worth. The fact that they bungled the job, both as to type of ship and demoralization of labor, was no fault of the builders, who went ahead with good faith and did the best they could under the circumstances. We are not asking the Government to pay any such elaborate profits as were allowed the cost-plus men who operated the yards where the Government paid all the bills and built the plant. I think you are familiar enough with the other features of the case to do a little explaining on your own account.

Truly, yours,

E. W. WRIGHT.

Mr. GREENE of Massachusetts. Mr. Chairman, how does the time stand?

The CHAIRMAN. The gentleman from Massachusetts [Mr. GREENE] has 20 minutes remaining, and the gentleman from Tennessee [Mr. DAVIS] has 18 minutes.



Mr. DAVIS of Tennessee. Mr. Chairman, I yield five minutes to the gentleman from Illinois [Mr. MANN].

The CHAIRMAN. The gentleman from Illinois is recognized for five minutes.

Mr. MANN of Illinois. Mr. Chairman, while I am opposed to this bill generally, there is one provision in it to which I wish to call attention. The first section of the bill provides that various persons, and so forth, may bring claims before the board, and then provides that—

The board shall adjust and liquidate each claim on such terms as it shall determine from the facts in the case to be just and equitable, and may take into consideration, among other things, the conditions under which the contracts were entered into and the conditions under which the work was performed.

I take it from the reading that the purpose of that language is to permit the Shipping Board, which entered into a contract and which knew the conditions at the time, knew the conditions under which the work was entered and knew the general situation, to apply its personal knowledge in the settlement of each claim upon the respective merits of the particular claim, and it is not required to lay down a general rule and require evidence to be submitted in all cases covering the general rule; but that each case may be decided equitably upon the facts in that case, most of which facts will be under the personal knowledge of the Shipping Board or the officials or employees of the Shipping Board.

If the bill is to be passed at all, that looks like a reasonable proposition. Then I turn over to section 2 of the bill and find that if the claimant is not satisfied with the award made by the board in his case, then the claimant may sue in the Court of Claims, and the Court of Claims shall decide the case under the terms and conditions of this act. How can the Court of Claims have any personal knowledge of the case? How can the Court of Claims have any knowledge of the conditions in a particular case except as it may be offered in evidence?

What does the Court of Claims know about a particular situation of the claimant and of the case? Here is a bill that proposes to provide that the Shipping Board shall have authority to make a settlement, and that the board will make no settlement which is not fair to the Government, because the Shipping Board knows all the circumstances, and then, on the next page, it takes it away from the Shipping Board and turns it over to people who know nothing about it.

Mr. OLIVER. Mr. Chairman, will the gentleman suffer an interruption for a minute?

Mr. MANN of Illinois. Yes.

Mr. OLIVER. Since the purpose of the section to which the gentleman is referring has been stated to be simply to avoid a waiver of one's existing rights under the law, why could not that simply be provided that the party must accept the award within three months after it is made, and the refusal to accept would not be a waiver of any legal rights that the party might have?

Mr. MANN of Illinois. Perhaps that might be done. I am referring to the provision in the bill which either does not mean anything or does not mean what it ought to mean. It ought not to be left to the Court of Claims to imagine what the Shipping Board may know in reference to the situation as to each claim. There may be cases where the Shipping Board, if the bill is to be passed at all, could properly allow a claim, but where the Court of Claims ought not to have authority to determine what the conditions are.

The CHAIRMAN. The time of the gentleman from Illinois has expired. The gentleman from Massachusetts [Mr. GREENE] has 20 minutes remaining and the gentleman from Tennessee [Mr. DAVIS] has 13 minutes.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield 10 minutes to the gentleman from Texas [Mr. HARDY].

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. HARDY of Texas. Mr. Chairman, I hope it will be understood by all the Members of the House that Mr. Payne based his action in refusing to adjust and settle these claims solely upon the legal proposition that as an administrative officer and as a good lawyer he did not believe that the Shipping Board had the right to make any settlements covering anything else except the legal obligations of the Government of the United States; that they had no right to consider the moral and implied obligations, or particularly the moral obligation.

I want to call attention to the fact that Judge Payne is one of the ablest, most cautious, and prudent lawyers who has ever held a public position, and his name and fame for not exceeding the powers justly belonging to him are dear to him; and while prior to his coming in and taking charge and making a full study of the question the Shipping Board had believed,

and while some good lawyers still believe, that they did have the right to adjust on the basis of the implied and moral obligations of the Government, when he put his analytical eye upon the statute he said he did not think they had the right and stopped it.

Judge Payne was asked by our committee to state what he thought was the moral obligation of the Government. He endeavored to avoid that, but I felt that his failure to state something on the subject might leave an inference that he believed there was no moral obligation, and so, as read by the gentleman from Illinois [Mr. CHINDBLOM], I continued to ask him that question until he finally answered and said that in good morals the Government did owe them an obligation and ought to settle with them.

I have not time to go into this matter in 10 minutes, except to say to you that I was amply satisfied that under the phraseology used in the paragraph on page 5 they were authorized by this law to settle upon such terms as it—that is, the board—shall determine from the facts in the case to be just and equitable. That language, "just and equitable," was submitted to Judge Payne. He said it was not sufficient to authorize them to settle the moral or implied obligations of the Government, because in legal parlance equity follows the law, and with that paragraph alone, with nothing further added, they might be held to the letter of the law and the legal obligations under the contracts and agreements; that is to say, they might be right where they were before or under the existing law.

Mr. KINCHELOE. Will the gentleman from Texas yield?

Mr. HARDY of Texas. Yes.

Mr. KINCHELOE. Is it not a fact that the differences in opinion of the members of the committee arise not upon the question of reimbursing these gentlemen for the work already done but upon reimbursing them or paying them for the construction of the shipyards?

Mr. HARDY of Texas. That is the only place where the legal and the moral obligations diverge, and that is the question involved. Therefore, in order to enable the Shipping Board to take into consideration the moral obligation arising out of the fact that certain companies and men all over the country were urgently requested by the Shipping Board to do certain things not covered by specific contracts for compensation, in order to authorize settlement for what these men expended at the earnest solicitation of the Shipping Board and representatives of the Government, in order to serve the Government, they ask that this language be put in:

And may take into consideration, among other things, the conditions under which the contracts were entered into and conditions under which the work was performed.

Now I do not want the House to go off on any wild tangent. If I thought this was a precedent for such an example as stated by my colleague from Texas [Mr. BLANTON], that some man had a ship that he could have sold for \$1,000,000 and could not now sell it for more than \$500,000 or less would come in and ask to be reimbursed by the Government paying him \$500,000, and that this would be thought a precedent for that, I would say do not pass this bill. But the simple question is this: The evidence showed before us that the Shipping Board and the Emergency Fleet Corporation, and Mr. Schwab particularly, went to Richmond, Va., for one place, and said to some patriotic citizens there in a meeting of the chamber of commerce of that city, "Gentlemen, we need ships; we must have ships."

These gentlemen said, "We can get the money. We have no shipping knowledge. We will try to get somebody who has. We will raise the money to build a shipyard and go to work producing wooden ships if you want us to do it," and he assured them that they would be held whole, and on the faith of this assurance they went to work. This assurance is what I want to see made good.

Now, this provision does not apply to anybody except those meeting its requirements:

That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them, that reimbursement would be provided for in money or contracts for additional work.

In other words, they said, in effect, to this company of men: "Build your plant. We will give you work from which you can amortize the cost of your plant in the price we will pay for each ship or we will pay you what you expend."

Under that agreement they built the plant, they started to building ships, they got three or four built, and before they had half completed their contract the Government canceled it. There was no provision for the cancellation of the contract, but

the Government, exercising its great power, just canceled it. Those men are left to hold the bag. Having spent their money on the urgent solicitation of the Government, they are now left to go broke, some of them to become penniless. Why, gentlemen, if I as a private individual had induced Mr. MONAHAN here to go out and begin the construction of a ship for my urgent needs, and had told him orally, "I will make you whole," and when he had got the ship half constructed my need for the ship had ceased and I canceled the contract, do you suppose that I would try to shirk my moral obligation to recompense him for what he had lost, or that I would hide behind some technical defense that might prevent my verbal agreement being valid and binding in law?

Mr. CULLEN. Will the gentleman yield for a question?

Mr. HARDY of Texas. Yes.

Mr. CULLEN. The gentleman seems to be familiar with this whole proposition, and also seems to be familiar with the drafting of the bill. There seems to be some question in regard to section 2 as to whether the interests of the United States are safeguarded, and also as to the claim. Will the gentleman explain to the House in his own way how section 2 would operate?

Mr. HARDY of Texas. That is going to take a right smart lot of time, but I will try to do it briefly.

Mr. CULLEN. I will ask that the gentleman's time be extended.

Mr. HARDY of Texas. The committee had under advisement the question whether there should be any appeal from the findings of the board in this matter. It was considered that the board was an arm of the Government, and we did not think there was any necessity for the board to appeal from its own decision, or for somebody for the board to appeal from the action of the board; but it is our understanding that as to nearly every award made by the executive branch of the Government for compensation to citizens for property taken there is a provision in the law that the party receiving the award may reject it and go to the Court of Claims.

Mr. CULLEN. Exactly.

Mr. HARDY of Texas. Let me say further that it was stated by the claimants and by everybody connected with it that owing to the long, slow, tedious delays connected with going to the Court of Claims, it would not be resorted to, that they knew that if they abandoned the award made by the Shipping Board they would have to take years of time waiting, and in the meantime get nothing. While this provision is in the bill, it is not believed it will be resorted to by claimants.

It was a formal recognition of the ordinary and usual right accorded to a claimant against the Government when the Government tribunal for passing on the claims did not decide according to his judgment for him to go into the Court of Claims and present the claim.

As to the Government not appealing, it would seem to be an appeal by the Government from its own decision. But we do provide that if any mistake is made a review may be had on the board's own initiative, or for any fraud that is perpetrated it can go back and uncover it.

The Good Book, in the story of Job, exalts the justice of God. In all his afflictions Job was patient. He knew that God could not be unjust.

I say in paraphrase of that, let private individuals shirk their moral obligations, but let the Government of the United States always do justice. [Applause.]

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. HARDY of Texas. I wish I had an hour to go into the circumstances that induced these patriotic people to give their services to the Government in the time of its adversity.

Mr. DAVIS of Tennessee. Mr. Chairman, I yield five minutes more to the gentleman from Texas.

Mr. HARDY of Texas. I thank the gentleman from Tennessee. I want to say that, so far as I know, there is not a soul living in my district who has any interest in this bill. There is certainly nobody that I have any interest or relation with that has any interest in it. But, gentlemen, here was our Government in dire distress. I thought in those days that maybe our greatest chance to get our boys and provisions for them across to the other side was to send them in little vessels, too small to be successfully attacked by the German submarines, and that we wanted to fill the seas with numbers of these little ships. We had many men of many minds as to how we were going to proceed to get the supplies across the seas. The truth was that after the President's war message we were intent on using force to the utmost, we were intent on applying all our physical and all of our financial and moral resources toward winning the war. Every instrumentality was appealed to and called into operation. We went to the shipbuilder who owned a

little plant where they built the small wooden ships, and we went to people who had never built a ship, and we said the country calls. Many of them answered before they had a written contract; they took the contracts as they were offered. The truth was that it was a great appeal, greatly responded to by the people who to-day are standing and waiting just treatment, for justice, by our Government. [Applause.] That is all there is to it. If it was my individual obligation I would feel morally bound to pay the man whom I had induced to do the work, and every one of these payments must be made only to those who were induced to do the work by the Shipping Board or the Emergency Fleet Corporation, or some one authorized by them to make the request.

Mr. SABATH. Will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. SABATH. Is there any way by which the House can secure the names of the corporations and individuals who have filed claims?

Mr. HARDY of Texas. If the gentleman will look through the hearings he will find every one given by the Shipping Board officials and by witnesses who appeared before us, but it is in piecemeal and I can not give them to him.

Mr. SABATH. There is no reason why the information should be withheld from the House.

Mr. HARDY of Texas. Absolutely none.

Mr. EDMONDS. They are here; the names of the shipyards are all in Mr. Pease's report.

Mr. CHINDBLOM. The gentleman will find them in the hearings.

Mr. HARDY of Texas. Mr. Chairman, I will ask unanimous consent to insert in my remarks the list on pages 119, 120, and 121 of the hearings that give the list of the claimants.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas?

There was no objection.

The list is as follows:

#### NEW ENGLAND DISTRICT.

Francis Cobb.  
Crosby Navigation Co.  
Crowninshield.  
Cumberland Shipbuilding Co.  
Freeport Shipbuilding Co.  
George A. Gilchrist.  
R. T. Green.  
Kelly-Spear Co.  
Machias Ship Construction Co.  
Russell Shipbuilding Co.  
Sandy Point Shipbuilding Co.  
L. H. Shattuck (Inc.).

#### NORTHERN ATLANTIC DISTRICT.

A. C. Brown & Sons.  
Continental Shipbuilding Co.  
Foundation Co.  
Gas Engine & Power Co.  
Gildersleeve Ship Co.  
Groton Iron Works.  
Housatonic Shipbuilding Co.  
Int. S. B. & M. E. (Corp.).  
Johnson Shipyard Corporation.  
Kingston Shipbuilding Co.  
J. H. Mathis Co.  
Ship Construction & Trad.  
J. W. Sullivan Co.  
Traylor Shipbuilding Co.

#### MIDDLE ATLANTIC DISTRICT.

Chance Marine Construction Co.  
Coastwise Shipbuilding Co.  
H. E. Crook Co.  
M. M. Davis & Son.  
Eastern Shore Shipbuilding Co.  
Maryland Shipbuilding Co.  
Missouri Valley Brass & Iron Co.  
North Carolina Shipbuilding Co.  
Henry Smith & Sons.  
Charles H. Tenney.  
Vinyard Shipbuilding Co.  
White Haven Shipbuilding Co.  
York River Shipbuilding Co.

#### SOUTHERN DISTRICT (EASTERN).

American Shipbuilding Co.  
Gibbs Gas Engine Co.  
Morey & Thomas.  
J. M. Murdock.  
National Shipbuilding & Dry Dock Co.  
Southland Steamship Co.  
St. Johns River Shipbuilding Co.  
Tampa Dock Co.  
United States Maritime Corporation.

#### GULF DISTRICT.

Beaumont Shipbuilding & Dry Dock Co.  
Heldenfels Bros.  
Lone Star Shipbuilding Co.  
McBride & Law.  
J. N. McCammon.  
Midland Bridge.  
National Oil Co.  
Southern Dry Dock & Shipbuilding Co.  
Union Shipbuilding & Construction Co.  
Universal Shipbuilding Co.



## SOUTHERN DISTRICT (WESTERN).

Alabama Shipbuilding & Dry Dock Co.  
American Lumber Co.  
Dantzer Shipbuilding & Dry Dock Co.  
Dierks-Blodgett.  
Hodge Ship Co.  
Jahncke Shipbuilding Co.  
Murnan Shipbuilding Co.

## SOUTHERN PACIFIC DISTRICT.

Benicia Shipbuilding Co.  
R. J. Chandler.  
Coos Bay Shipbuilding Co.  
Fulton Shipbuilding Co.  
Hammond Lumber Co.  
Kruse & Banks.  
Main Iron Works.  
Rolph Shipbuilding Co.

## NORTHERN PACIFIC DISTRICT.

Allen Shipbuilding Co.  
Babare Bros.  
Grant-Smith-Porter.  
Grays Harbor Merchant Ship Corporation.  
Mecham & Babcock.  
Nilson & Kelez.  
Pacific American Fisheries.  
Puget Sound Bridge & Derrick Co.  
Sanderson & Porter.  
Seaborn Shipyards.  
Sloan Shipyards.  
Tacoma Shipbuilding Co.  
Wright Shipyards.

## OREGON DISTRICT.

Coast Shipbuilding Co.  
Feeney & Bremer.  
Grant-Smith-Porter.  
McEachern Ship Co.  
Peninsula Shipbuilding Co.  
George F. Rodgers.  
Sommarstrom.  
G. M. Standifer.  
St. Helens Shipbuilding Co.  
Supple & Ballin.  
Wilson Shipbuilding Co.

## GREAT LAKES DISTRICT.

Burger Boat Co.  
Dachel-Carter Boat Co.  
Lake & Ocean Navigation Co.  
Leatham & Smith.  
Sydney McLouth.  
Northwest Engineering Works.  
Universal Shipbuilding Co.

Mr. GOLDFOGLE. Does it give the list of individuals?

Mr. HARDY of Texas. Not an individual list. It does not give the names of the shareholders, but gives the names of the companies. I do not think we ever went into the question as to who the shareholders were.

Now, Mr. Chairman, I wish to say that I have the highest regard for the gentleman from Tennessee, Judge DAVIS. He has examined this law with all the scares about him that some one might be seeking to gouge the Government. I think that so far as the Committee on Merchant Marine is concerned, with the exception of Judge DAVIS, the justice of this matter appeals to us all. I do not recall anybody else who did not think that justice required the passage of such a bill as this. It is very difficult to word it, but we have done the best we could to give these people such justice as I before my Maker would hope at last to receive in the final award. [Applause.]

The CHAIRMAN. The gentleman from Tennessee has 8 minutes remaining, and the gentleman from Massachusetts 10 minutes.

Mr. GREENE of Massachusetts. I have only one speech more.

Mr. DAVIS of Tennessee. Mr. Chairman, I yield four minutes to the gentleman from Ohio [Mr. KEARNS].

Mr. KEARNS. Mr. Chairman and gentlemen, I am opposed to this bill for the reason that there are so many other matters of legislation of so much more importance to millions who rendered greater service to the Government than did these men. There is hardly a claimant who would come in under the provisions of this law but has already made millions of dollars out of their investments.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. KEARNS. No; I can not yield. There are scores of men over this country where the Government took everything they had in the beginning of this war, and they have been knocking at the door of Congress ever since trying to be reimbursed by the Government for the things that were deliberately filched from them, but because they are small men without great funds at their command to institute a powerful propaganda they are unable to get recompense for the property the Government took from them without compensation of any character.

I will cite the instance of the nitrate plant at Anchor, Ohio, near Cincinnati, a part of which lies in my district. There were 1,800 acres of land deliberately taken by the Government at that point, and much of the land was being farmed by ten-

ants. The land was taken in June and July of 1917. Those tenants were made to move off their farms overnight. The land was taken from the owners—valuable land, planted in crops by the tenants, in corn, potatoes, vegetables of every character. These claims range all the way from \$1,000 to \$20,000. Those tenants were made to move off the farms at a day's notice, and not one of them has ever received a 5-cent piece from this Government, and the only reason they have not been authorized to bring suit, as you propose to authorize these men, is because they are poor men and have not the funds on hand to start a great propaganda. I say that they have knocked at the door of Congress, but they could not knock loud enough. For that reason I am against legislation of this character until the ear of Congress is open to the men who are in need. Many of them have become bankrupt. Some of them have been reduced to a state of pauperism because Congress would not perform its duties.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. KEARNS. Yes.

Mr. CHINDBLOM. Is the gentleman opposed to this bill, which grants relief to some people, because other people who ought to have relief can not get it?

Mr. KEARNS. Mr. Chairman, I am opposed to this bill for the reasons I have assigned and many others that I have not the time to mention.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. DAVIS of Tennessee. Mr. Chairman, I yield the balance of my time to the gentleman from Kansas [Mr. CAMPBELL].

The CHAIRMAN. The gentleman from Kansas is recognized for four minutes.

Mr. CAMPBELL of Kansas. Mr. Chairman, the people of the United States are able to and are willing to pay every obligation growing out of the war, legal, equitable, and moral.

When a state of war was declared with Germany a wave of patriotic fervor, accompanied by a disposition on the part of all our people to make every sacrifice, spread over the country. The man power, the financial strength, and the industrial resources of the Republic were mobilized for war. The country changed from a peace to a war basis. All were willing to adapt themselves to the changed conditions and to make the same sacrifices that the young men who went to the front to fight the battles were called upon to make. Four millions of the boys were mustered in. Two millions of them reached the battle front. War contractors, such as are provided against loss under the provisions of the bill now under consideration, produced but little material that reached the front before the armistice was signed. Let us say they did their best as the boys did their best. The boys offered their lives; the contractors the product of their industries.

But immediately following the armistice and ever since every specie, every variety, and every character of contractor came to Congress with as many varieties of contracts and asked for money to secure them against loss. Some had contracts that were partly completed, some upon which little had been done, some upon which nothing had been done, and many had no contracts at all. These contractors and would-be contractors appealed to Congress to indemnify them not only against loss, but some of them asked for the profits they had expected to make out of the war contracts they had or thought they had.

Let no one lose sight of the fact that the industries of the country, as well as the man power of the country, were all commandeered for war purposes. War contractors and those who controlled the industries of the country were under the same obligation to render patriotic service to the Nation as the young men who offered their lives upon the battle fields. But the men whose property instead of their lives was commandeered have received from the country since the armistice was signed \$2,179,272,966 to indemnify them against loss.

When the men who were to furnish their property or the products of their industry for war purposes appealed to Congress, those who to-day protest against legislation to in a small way indemnify the boys who offered their lives in battle against financial loss were the earnest advocates of the war contractors. As to the contractors, they do not complain that it would bankrupt the Treasury; that it would increase the cost of living; that the country could stand no additional taxation. But when it is proposed to indemnify the young men, every one of whom offered his life for his country, in an amount that about equals the amount the Government deducted from their pay during the war, a propaganda is spread over the country protesting against legislation readjusting the pay of these heroic boys.

During the war half of their pay was kept from them and sent to dependent relatives. A quarter of it was retained by the

Government for insurance. They had in the neighborhood of seven dollars and a half a month for their personal use during the war. Out of this pittance they could save nothing. When they were discharged they received \$60, which was not enough to buy citizens' clothing, that during their absence had more than doubled in price. They had a year and a half of war—of hell—whether in cantonments, on the sea, or on the battle fields. Their lives were made over. Their nerves were strained to the breaking point. And yet some Members here protest against legislation that will help these boys get on their feet and make their way with those who have made rapid progress in every profession, trade, and industry during their absence in the war.

Mr. Chairman, I serve notice now that until Congress is ready to do something for the men who fought the battles of the war I shall oppose appropriations, or authorizations for appropriations, or authorizations for contractors or would-be contractors to establish their claims against the Government of the United States. You have been told that the boys who fought the battles of the war should not commercialize their patriotism. I say that the contractors of the war should not commercialize their patriotism. [Applause.]

Mr. BANKHEAD. Mr. Chairman, will the gentleman yield?

Mr. CAMPBELL of Kansas. Yes.

Mr. BANKHEAD. To what legislation does the gentleman refer which should be enacted before we take up legislation of the character now under consideration?

Mr. CAMPBELL of Kansas. I refer to the bill that has been under consideration, readjusting the pay of the soldiers—indemnifying them to small degree for loss sustained during the war.

Mr. BLANTON. Commonly known as the bonus proposition.

Mr. CAMPBELL of Kansas. Yes; against which 49 Republicans and a solid Democratic vote is pledged.

That bill does not take a dollar out of the Treasury that it does not put into it. Here are the provisions made for raising the money:

1. An additional surtax on individual incomes of 1 per cent of the amount by which the net income exceeds \$5,000 and does not exceed \$10,000; 2 per cent from \$10,000 to \$26,000; and 3 per cent of incomes in excess of \$26,000. This provision is estimated to yield \$108,000,000 per annum.

2. A tax equivalent to one-fifth of 1 per cent on the sale of stocks and bonds. This provision is estimated to yield \$190,000,000 per annum.

3. A tax equivalent to one-half of 1 per cent on real estate sales. This provision is estimated to yield \$50,000,000 per annum.

4. An increase of approximately 15 per cent in the existing tax on cigars and tobacco and of approximately 25 per cent of the tax on cigarettes. This provision is estimated to yield \$55,000,000 per annum.

5. An excise tax on corporations issuing stock dividends subsequent to March 15, 1920, equivalent to 10 per cent of the value of stock so issued. This provision is estimated to yield \$45,000,000 on stock dividends already declared and \$7,500,000 per annum on future stock dividends.

These taxes will not work a serious hardship on anyone and will not increase the cost of anything. The purpose of the tax is a worthy one. Let it not be said that the country has for the soldiers only cheers for the living, tears for the dead, but indemnity for contractors.

Let me remind you that the boys for whom a readjustment of pay is asked are the same boys that you followed to the station when they were embarking for the cantonments. They are the boys for whom the sweaters were knit and the bandages were made. They are the boys who lay sick in hospitals beside the frozen bodies of dead comrades; the same boys who braved the perils of the sea to reach the enemy on the battle fields of France and Flanders, they are the same boys who lay in the trenches, who went over the top amid the shot and shell and deadly gases of the enemy. They are boys who added glory to the Republic by their patience in the cantonments, by their courage on the sea, by their endurance in the trenches, by their bravery and heroism in going over the top into "no man's land." They are the boys who stirred the heart of the Republic, who cheered England, and France, and Italy, and Belgium; who put new life and courage and new soul into the war. They are the same boys who drove terror into the heart of the Hun, who forced the Kaiser from his throne and drove the German Army back across the Rhine. They are the boys whose comrades sleep beneath the poppies in France and Flanders and in every State of the Union.

Their silent tents are spread  
Where glory guards with sacred round  
The bivouac of the dead.

A bill for their relief should pass ungrudgingly. It is said that it is intended to buy the votes of these brave boys. Their votes can not be bought. It is said that this legislation is commercializing the patriotism of the boys. It is not said that legislation for contractors is commercializing the patriotism of the contractors.

I appeal to the opposition to the soldiers' pay legislation everywhere to support it with the same patriotic support they gave to the legislation mobilizing the boys for war.

Mr. GREENE of Massachusetts. Mr. Chairman, I yield the remainder of my time to the gentleman from Alabama [Mr. BANKHEAD].

Mr. GOLDFOGLE rose.

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. GOLDFOGLE. I simply want to say to the gentleman from Kansas [Mr. CAMPBELL] that no man, and no set of men, has the right to pledge my vote—

The CHAIRMAN. The gentleman is out of order.

Mr. SABATH. Mr. Chairman—

Mr. BANKHEAD. Mr. Chairman, I understand that I have the floor.

Mr. WALSH. Mr. Chairman, I rise to a point of order.

Mr. SABATH. Mr. Chairman, I desire to make a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. SABATH. Whether it is proper for one Member on the floor of the House—

The CHAIRMAN. That is not a point of order.

Mr. SABATH. Then I desire to make a parliamentary inquiry. [Cries of "Regular order!"]

Mr. WALSH. Mr. Chairman, a parliamentary inquiry is not in order unless the gentleman from Alabama yields.

Mr. BLANTON. Mr. Chairman, I desire to make a point of order.

Mr. SABATH. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WALSH. Mr. Chairman, I make the point of order that it is not in order to make a parliamentary inquiry unless the gentleman from Alabama yields.

Mr. BANKHEAD. And I have not yielded.

Mr. BLANTON. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. BLANTON. I make the point of order that the gentleman from Kansas [Mr. CAMPBELL] does not have the right to read 49 Republican Members out of the Republican Party.

The CHAIRMAN. That is not a point of order, and the Chair overrules it. The gentleman from Alabama is recognized for 10 minutes.

Mr. BANKHEAD. Mr. Chairman, I desire to say by way of preface in connection with the impassioned objections made by the distinguished gentleman from Kansas [Mr. CAMPBELL] to the consideration and passage of the pending legislation, that the members of the party to which I belong are not responsible for the legislative position of which the gentleman from Kansas complains. His party is in power upon the floor of this House. The gentleman from Kansas himself occupies a place of conspicuous authority and power with his legislative colleagues upon the Republican side of this House. If he is unable with his logic and persuasion to induce a majority of the steering committee of his own associates to bring in the legislation in which he is so much interested, surely that even should not militate against the merits of the bill that we have now under consideration.

Mr. CAMPBELL of Kansas. Now will the gentleman yield?

Mr. BANKHEAD. For a brief question.

Mr. CAMPBELL of Kansas. Will the gentleman and his party vote for the previous question and for a rule that I have in my pocket for the bill I have in mind?

Mr. BANKHEAD. I do not know what bill the gentleman has in his pocket; I do not know what rule the gentleman has in his pocket. [Applause.] I will say to the gentleman, if it measures up to some of the partisan rules that he has brought in on the floor of this House since he has been chairman of the Committee on Rules I would not undertake to pledge the Democrats to its consideration. [Applause.] Now I think I have answered the gentleman's question, and I desire to discuss this bill.

Mr. CAMPBELL of Kansas. May I say it is a bill to make in order the bill providing for a readjustment of the pay of our soldiers.

Mr. BANKHEAD. Mr. Chairman, I decline to yield further. I trust that the judicial attitude of the minds of the members of the committee will not be diverted from the consideration of



the pending measure by this side issue that has been injected into the debate by the gentleman from Kansas.

Mr. EMERSON. No side issue, I will tell the gentleman.

Mr. BANKHEAD. We have before us a bill of great merit. It is a bill that should appeal to the careful and equitable consideration of the judgment of every Member of the House. The situation briefly is this, and I will not have time to discuss fully all of the facts and circumstances leading up to the reporting of this bill by our committee, but I do think it is proper, Mr. Chairman, to review quite briefly the circumstances under which those contracts or quasi contracts or equitable claims, if you choose to call them that, were entered into by the representatives of the Shipping Board or the board itself.

As has been admirably stated by the gentleman from Texas [Mr. HARDY] the time, when this shipbuilding program was authorized and entered upon by the Shipping Board was a time of desperate extremity and peril for the people of the United States. You will recall the ravages of the German submarines upon the shipping of the world upon the high seas at the time had reached an appalling state. We did not know to what extent that destruction might ultimately eventuate. We were fearful that it might go to the extent probably of driving all commerce from the seas, which, of course, would have precluded the carrying of our soldiers and of their supplies to the fields of battle in France. And although viewed now in retrospect it has developed that the building of wooden ships was an unfortunate venture upon the part of the Shipping Board, and although it had subsequently developed, as now shown, that they are of small value in the shipping market of the world, yet the circumstances under which they were contracted, viewed in the light of the great national peril that we were involved in at the time upon the high seas, that program was fairly justified by the Shipping Board; and, recognizing that situation, this governmental authority to which was intrusted the duty of getting ships built for the purpose of transporting our troops and supplies, as has been stated, appealed to the business men of the country to engage in the wooden-ship building enterprise, and we made solemn assurances to those gentlemen, backed, of course, as those assurances were, by the faith, credit, and good will of the Government of the United States, to embark upon an extensive program of wooden-ship building enterprise.

Mr. BLACK. Will the gentleman yield?

Mr. BANKHEAD. For a brief question, because I desire to say—

Mr. BLACK. I did not know how much time the gentleman had.

Mr. BANKHEAD. I have very little time, but I will be glad to answer a question.

Mr. BLACK. It is all right; I will not take the time of the gentleman.

Mr. BANKHEAD. Now, this appeal was made to those men. The bill, as has been explained, that is now before the committee arises upon only one phase of that situation. Where contracts were definitely entered into and performed or partly performed in reference to the building and delivery of certain numbers of ships which were built and delivered there is no field for the operation of this bill, but it largely hinges upon the question of amortization of the plants that those gentlemen constructed in order to make them whole upon their investment upon the assurances that were actually given them by the Shipping Board or its representatives as to the quantity of work that they would be intrusted to perform. For instance, if the Shipping Board said to a firm in Richmond, Va., or Bath, Me., or Portland, Oreg., "We will accept your offer if you are able to build for us 12 wooden ships of certain specifications, and we authorize you to go ahead and build a plant with four ways upon which we will guarantee that you will have three turns upon each of those ways, three vessels for each way, and you are expected to complete 12 wooden vessels."

They made their preparations, expended their money, and developed that plant to carry out the assurances and requests of the Shipping Board for the construction of that much wooden tonnage, and then it developed that the armistice came along. These contracts were canceled and wooden-ship building concerns, for instance, which only built three of these ships, actually constructed and delivered, had made their investment of large sums of money upon those plants, and, as I say, the building contract was canceled. In many instances it was only an equitable contract when it comes to its real construction, and, as the gentleman from Texas [Mr. HARDY] has said, in its last analysis possibly only a moral obligation of the Government of the United States, and that is the thing that we are calling upon this House to enact this measure for, to carry out a moral obligation of the Government of the United States.

Mr. HARDY of Texas. Will the gentleman let me read from that obligation?

Mr. BANKHEAD. My friend will pardon me, but I have only two or three minutes. This bill, in fact, confers upon the Shipping Board an equitable jurisdiction to settle and determine these claims under the safeguards and provisos which you will find in the bill. It seems to me, gentlemen, that upon a careful perusal of the bill you will see that the rights of the Government are amply and thoroughly safeguarded, and that it affords no avenue or opportunity for grafters or those who would seek to mulct the Government out of illegitimate profits to operate under the terms of this bill. It bestows upon this board the right to consider each of these claims upon the merits of the proposition, and to take into consideration the facts and circumstances that confronted the contract, or the moral obligation entered into by the Government with these individual citizens, and to adjust and liquidate those claims so that these parties may not suffer loss and may be made whole under the assurances given when the work was entered upon. The bill specifically provides that no profit shall be collected or exacted under the terms of settlement proposed under this bill, and, as has been ably argued by those who preceded me, the whole proposition, gentlemen, simply involves the same thing you have acted upon heretofore in order to provide for a settlement of bills for war claims or contracts with the War Department, the same character of legislation you have—

Mr. MANN of Illinois rose.

Mr. BANKHEAD. I can not yield.

Mr. MANN of Illinois. The gentleman says no profit shall be allowed; that is not in the bill.

Mr. BANKHEAD. I think it is provided in the bill, and if I have time under the five-minute rule I think I can show it is in it. It is the same character of legislation you provided to give those furnishing rare metals and minerals the right to settle their claims in the Interior Department. It is the same character of obligation you authorized to settle many other war activities of the Government of the United States. I see no reason why this particular class of our people who are engaged in the wooden-ship building industry should be discriminated against in favor of the others who have already had authority from Congress to settle their equitable claims against the Government of the United States.

Mr. MADDEN. I think this bill goes a little further than that. It gives them the right to go into court. The other bills did not do that.

Mr. BANKHEAD. Gives whom the right?

Mr. MADDEN. The claimants.

Mr. BANKHEAD. If they are not satisfied with the award they can reject it and remit their claim to the Court of Claims under the provisions of this bill.

Mr. MADDEN. But there is no such right in any other bill we passed.

Mr. BANKHEAD. I do not recollect specifically the terms of the Dent bill. Now, I will be glad to yield to the gentleman from Texas.

The CHAIRMAN. The time of the gentleman has expired. All time has expired. The Clerk will read.

The Clerk read as follows:

*Be it enacted, etc.*, That the United States Shipping Board be, and it is hereby, authorized to adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships for the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation after April 6, 1917, which can not be paid under the law as it now is, and said board shall adjust and liquidate each claim upon such terms as it shall determine from the facts in the case to be just and equitable, and its decision shall be deemed conclusive and final, except as herein otherwise provided: *Provided*, That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or any officer or agent acting under the authority, direction, or instruction of said board and corporation, or either of them: *Provided further*, That said board shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the board within three months from and after the date when this act shall become a law: *Provided further*, That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or any officer or agent acting under the authority, direction, or instruction of said board and corporation, or either of them, that reimbursement would be provided for in money or contracts for additional work: *And provided further*, That no claim shall be paid unless it shall appear to the satisfaction of said board that moneys were invested or obligations incurred subsequent to April 6, 1917, and prior to November 12, 1918, in a proper and legitimate attempt to produce ships for the needs of the Nation in connection with the prosecution of the war; and that no profits of any kind shall be included in the allowance of any of said claims, and that no investment for merely speculative purposes shall be recognized in any manner by said board: *And provided also*, That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation to recover any money paid by the Govern-

ment to any party under and by virtue of the provisions of this section, if the Government has been defrauded; and the right of recovery in all such cases shall extend to the executors, administrators, heirs, and assigns of any party.

Mr. GREENE of Massachusetts. Mr. Speaker, I move to strike out all after the enacting clause and insert the part printed in italics.

The CHAIRMAN. The gentleman from Massachusetts moves to strike out all after the enacting clause in section 1 and insert in lieu thereof all that portion in italics, commencing on page 4, line 19, which the Clerk will report.

Mr. MADDEN. Mr. Chairman, I would like to have a division of that question.

Mr. MANN of Illinois. Mr. Chairman, I make the point of order against the Chair stating the amendment before it is reported by the Clerk.

The CHAIRMAN. The Clerk will report the amendment. The Chair stated that the Clerk would report it.

The Clerk read as follows:

Mr. GREENE of Massachusetts moves to strike out all after the enacting clause and insert the matter in italics, beginning on page 4, line 19.

The CHAIRMAN. The Clerk will read the amendment.

Mr. RAKER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. The point of order is that it comes up automatically. When the Senate bill is read the report of the committee on the amendment comes before the House for one vote on the amendment, and it is out of order for a member of the committee or a Member of the House to offer an amendment when the committee's amendment is already pending.

Mr. MADDEN. I make the point of order, Mr. Chairman, it is not in order to entertain any motion for any amendment to the bill until all of the Senate amendment is read. It is one amendment.

Mr. RAKER. My further point is this—

Mr. MADDEN. This is not considered by paragraphs or sections, but it is all one amendment.

Mr. RAKER. Mr. Chairman, the committee has stricken out all after the enacting clause of the Senate bill and offered one amendment as a substitute. Now, when the Senate bill is read the committee amendment is in order and has the precedence.

The CHAIRMAN. The Chair overrules the point of order. The amendment in the nature of a substitute will not be voted on until after the amendment is disposed of. The amendment in the nature of a substitute may be proposed before amendment to the original text has been acted upon. It may not be voted on until after such amendment has been disposed of.

Mr. MANN of Illinois. After the amendment is disposed of? I do not understand what the Chair means. The Chair stated the amendment could be offered, but could not be acted on until the amendment is disposed of. Surely that is not the meaning of the Chair.

The CHAIRMAN. The Chair meant the preferential amendment to perfect the bill.

Mr. MANN of Illinois. The Chair ruled it is not necessary to read the Senate bill?

The CHAIRMAN. The Chair ruled it is necessary to read the Senate bill, and then amend it section by section.

Mr. MANN of Illinois. The amendment by way of a substitute will not be voted upon until the Senate amendment has been read?

The CHAIRMAN. Yes, sir. The motion put by the gentleman from Massachusetts should be to strike out section 1 and insert in lieu thereof the words which the Clerk will report.

Mr. MANN of Illinois. Of course, if the question is presented to the Chair he will have to decide it, but the motion has not been made yet.

Mr. GARD. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. GARD. The point of order is that the motion made by the gentleman from Massachusetts [Mr. GREENE] has not been submitted by the Chair to the committee for its action.

Mr. LONGWORTH. Mr. Chairman, should not the motion of the gentleman from Massachusetts be to strike out section 1 and insert section 1 of the House bill, giving notice at the same time, if that amendment prevails, he will make the similar motion in regard to section 2 and other sections?

The CHAIRMAN. That is the proper procedure for the gentleman from Massachusetts [Mr. GREENE] to follow.

Mr. LONGWORTH. The gentleman should give notice.

The CHAIRMAN. The gentleman should give notice that if it is adopted he will offer a similar motion to strike out and substitute other sections of the Senate bill.

Mr. RAKER. Mr. Chairman, a further point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. The report on this bill shows that the committee has not offered these amendments as separate amendments, but they strike out all the enacting clause and insert the following in lieu thereof as a substitute.

Mr. GREENE of Massachusetts. That is exactly—

Mr. RAKER. The gentleman's motion put in all the sections without an opportunity to offer an amendment to those sections. Clearly he does not intend that.

Mr. GREENE of Massachusetts. I move to strike out section 1 of the Senate bill and substitute section 1 of this bill.

Mr. LONGWORTH. I make the point of order that that is not in order unless accompanied by notice that he intends to make the same motion as to the other.

The CHAIRMAN. The Chair sustains the point of order.

Mr. GREENE of Massachusetts. I intend to offer a similar amendment to each paragraph of the bill, to substitute the new bill.

The CHAIRMAN. Is there objection to the modification of the amendment?

Mr. BRIGGS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BRIGGS. If the motion should be carried, would that whole section 1 of the amendment be open for amendment in other respects, or would we adopt it as just one amendment without amending it at all?

The CHAIRMAN. It would be open for amendment. The gentleman from Massachusetts [Mr. GREENE] moves to strike out—

Mr. MANN of Illinois. Why not let the Clerk report the amendment, so that we may know what it is?

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. GREENE of Massachusetts: Strike out all after the enacting clause of the Senate bill and insert section 1 with a committee amendment, the language beginning on page 4, line 19, and ending on page 7, line 8.

Mr. WALSH. Mr. Chairman, I offer an amendment to the amendment proposed by the gentleman from Massachusetts.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] offers a preferential amendment to the amendment offered by the gentleman from Massachusetts [Mr. GREENE].

Mr. MANN of Illinois. Mr. Chairman, I make the point of order that the amendment proposed by the gentleman from Massachusetts [Mr. WALSH] is not in order. We might as well have it done properly. This is a committee amendment. It has to be voted upon at some time without being offered from the floor. The committee amendment has to be voted on some time. Now, the proper motion, the proper proceeding, is either to read the Senate bill through and then vote upon the committee substitute as a whole or upon the reading of the first section. The gentleman from Massachusetts [Mr. GREENE] should offer the entire committee amendment, with the announcement that he will move, as the other sections of the bill are read, to strike them out; but the committee amendment has to be disposed of either now or after the reading of the bill.

The CHAIRMAN. The Chair sustains the point of order.

Mr. LONGWORTH. The committee amendment must first be read before the amendment of the gentleman from Massachusetts [Mr. WALSH] is in order. We have not had the committee amendment reported yet.

Mr. MANN of Illinois. No; the committee amendment has not yet been reported.

Mr. WALSH. I was not aware of that, Mr. Chairman, and I ask that my amendment may be withheld until the committee amendment has been read.

The CHAIRMAN. The gentleman from Massachusetts withdraws his amendment for the time being. Does the gentleman from Massachusetts [Mr. GREENE] offer his modified amendment?

Mr. GREENE of Massachusetts. Yes.

Mr. CANNON. If the gentleman will permit, my recollection is that the substitute was read at the beginning.

Mr. MANN of Illinois. Yes; on the first reading.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Massachusetts [Mr. GREENE].

The Clerk read as follows:

Strike out all after the enacting clause of the Senate bill, embracing all after line 2, page 1, down to and including line 18 of page 4, and insert the rest of the bill, beginning with line 19 on page 4 and ending with line 8 of page 7.

Mr. GREENE of Massachusetts. Mr. Chairman, I ask that it be read.

The CHAIRMAN. The Clerk will report it.

The Clerk read as follows:

That the United States Shipping Board be, and it is hereby, authorized and directed to investigate, adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build



wooden ships for the United States, the United States Shipping Board, or the United States Shipping Board Emergency Fleet Corporation after April 6, 1917, and said board shall adjust and liquidate each claim upon such terms as it shall determine from the facts in the case to be just and equitable, and may take into consideration, among other things, the conditions under which the contracts were entered into and the conditions under which the work was performed; and its decision shall be deemed conclusive and final, except as herein otherwise provided: *Provided*, That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them: *Provided further*, That no claim shall be liquidated or paid unless it is alleged such claims as shall be made hereunder and filed with the board within three months from and after the date when this act shall become a law: *And provided further*, That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them, that reimbursement would be provided for in money or contracts for additional work: *And provided further*, That no such claim shall be paid unless it shall appear to the satisfaction of said board that moneys were invested or obligations incurred subsequent to April 6, 1917, in a proper and legitimate attempt to produce ships for the needs of the Nation in connection with the prosecution of the war; and that no profits of any kind shall be included in the allowance of any of such claims, except upon completed ships or on ships partly constructed: *Provided*, That on ships partly constructed only such profits may be allowed on that part of the work of construction actually done at the time of the cancellation of contracts, or on work done thereafter on ships not canceled, as in the judgment of the Shipping Board are warranted by all the facts in the case; and that no investment for merely speculative purposes, or where under the facts it could not have been reasonably expected that ships would be built, shall be recognized in any manner by said board: *And provided further*, That the settlement of any claim arising under the provisions of this section shall not bar the United States Government, through any of its duly authorized agencies, or any committee of Congress hereafter duly appointed, from the right of review of such settlement, nor the right of the United States Shipping Board or the United States Shipping Board Emergency Fleet Corporation to recover any money paid by the Government to any party under and by virtue of the provisions of this section, if such settlement is affected by fraud or mistake of fact; and the right of recovery in all such cases shall extend against the executors, administrators, trustees in bankruptcy, heirs, assigns, and successors, whether by operation of law, consolidation, sale, or otherwise of any claimant or claimants.

A report of all proceedings under this section, including receipts and disbursements, shall be made to the Congress on the first Monday in December of each year.

The CHAIRMAN. The gentleman from Massachusetts [Mr. WALSH] offers a preferential motion, which the Clerk will report.

Mr. MANN of Illinois. The amendment has not all been read.

The CHAIRMAN. The Clerk will finish the reading of the amendment.

Mr. RAKER. Mr. Chairman, a point of order.

The CHAIRMAN. The gentleman will state it.

Mr. RAKER. The point of order is that the gentleman can offer but one section at a time, and it should be divisible. You can not offer an entire bill to the first section of the bill that he moves to strike out.

The CHAIRMAN. The Chair overrules the point of order. The Clerk will read.

The Clerk read as follows:

SEC. 2. That whenever the amount found to be due any claimant under the provisions of this act shall be unsatisfactory to the claimant, the claimant, within 90 days after the making of any such allowance or award, shall be entitled to reject such award and sue the United States to recover such sum as may be justly due under the terms and provisions of this act in the manner provided by section 24, paragraph 20, and section 145 of the Judicial Code, and the amount so determined by said court shall be paid by the United States Shipping Board in the same manner as awards made by the said board under section 1 of this act.

SEC. 3. That in determining the amount due any claimant the Shipping Board shall, among other things, take into consideration and charge to the claimant the then market value of any shipbuilding plant, lumber, or materials on hand belonging to the claimant used in the construction or acquired to be used in the construction of any wooden ship or shipbuilding plant, and also the salvage or usable value of any machinery or other appliances which were purchased to equip any wooden ship or shipbuilding plant.

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Illinois [Mr. CHINDBLOM].

The Clerk read as follows:

Amendment offered by Mr. CHINDBLOM: Page 5, line 13, strike out the words "no claim shall be liquidated or paid unless it is alleged" and insert in lieu thereof the following: "Said board shall consider, approve, and dispose of only," so that the proviso involved shall read as follows:

"*Provided further*, That said board shall consider, approve, and dispose of only such claims as shall be made hereunder and filed with the board within three months from and after the date when this act shall become a law."

Mr. CHINDBLOM. Mr. Chairman, this proviso is stated correctly in the report, but for some reason was not stated correctly in the printed bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Illinois [Mr. CHINDBLOM].

The amendment was agreed to.

The CHAIRMAN. Now, the Clerk will report the preferential amendment offered by the gentleman from Massachusetts [Mr. WALSH].

The Clerk read as follows:

Amendment offered by Mr. WALSH: Page 7, line 5, after the word "claimants" insert "*And provided further*, That no adjustment or settlement shall be made under the provisions of this act with any contractors or claimants who shall have submitted to the United States Shipping Board or to the United States Shipping Board Emergency Fleet Corporation any false or fraudulent claims prior to the passage of this act."

Mr. WALSH. Mr. Chairman, I understand that the gentlemen of the committee have no objection to that amendment. I think that might well be written into the law.

Mr. BANKHEAD. Mr. Chairman, I would like to ask the gentleman from Massachusetts upon what facts that have been disclosed, if any, does the gentleman predicate the offering of this amendment?

Mr. WALSH. Well, I do not care to go into the facts or name any specific instances, except to say that there is information upon file in the Shipping Board of instances where claims have been filed and found to have been false or fraudulent, and that when the claims were returned for adjustment the amount of the claim, in one instance, was not reduced a dollar, but certain items were eliminated and the amount of those items was distributed over other items in the claim, so that the total amount was as at first submitted.

Mr. BANKHEAD. Will the gentleman yield further for another suggestion?

Mr. WALSH. Yes.

Mr. BANKHEAD. It occurs to me that there might be this danger in the gentleman's amendment: The executive officers of a shipbuilding company, for instance, that was composed of a number of stockholders might, as a matter of fact, have presented a false or fraudulent claim for adjustment without the knowledge of the great majority of the innocent stockholders of the company, who as a matter of fact might have really a just claim for the balance against the Shipping Board for adjustment, and if the gentleman's amendment as now offered should be adopted it would absolutely preclude any consideration of the bona fides of any legitimate balance that the stockholders might have.

Mr. WALSH. The gentleman is making a statement that is not justified, and I think he will concede it is not justified. It would not prevent an adjustment of that claim. It would simply take it out of the adjustment under the provisions of this bill. That claim could be adjusted by the Shipping Board under other provisions upon strictly legal grounds.

Mr. BANKHEAD. I was not assuming a hostile attitude to the amendment per se, but it had just occurred to me that that might be an objectionable feature.

Mr. WALSH. I think the gentleman will reflect that the language of my amendment simply precludes adjustment under the provisions of this act.

Mr. LONGWORTH. The gentleman from Massachusetts is chairman of a committee which has investigated this matter?

Mr. WALSH. Investigated the expenditures of the Shipping Board.

Mr. LONGWORTH. And his investigation has brought out facts which in his judgment warrant him in offering this amendment?

Mr. WALSH. I will state that the investigations we have made lead me to believe that we ought not to pass legislation that later can be made the basis of claims that Congress intends to overlook any false or fraudulent claims or attempts to collect money based upon fraud in subsequent legislation. This will not hamper or hinder any claim which has been put forward by any claimant or contractor in good faith and which is based on equity and justice, but simply leaves the contractor who has attempted to collect money by fraud or by false claims to his remedy upon strictly legal grounds and does not permit him to come in on the same basis, upon the same footing, with these others for whose benefit this legislation is intended.

Mr. BENSON. Will the gentleman yield?

Mr. WALSH. Yes.

Mr. BENSON. Does not the gentleman think it would cover his entire proposition if he used the word "fraudulent" and left out "false," because a man might inadvertently put in a false claim, and thereby be precluded from all the benefits of this bill, without any intention of being fraudulent. If you limit your amendment to the word "fraudulent," I shall be inclined to vote for it, but when you say "false claims," then you make it incumbent upon the department to determine that there has been no false claim made anywhere at all, and you practically nullify this entire act by the use of the word

"false," because the department might hold that any claim was a false claim.

Mr. WALSH. I think the gentleman is exaggerating the danger of this amendment.

Mr. EAGLE. I think the gentleman will agree that the expression "false and fraudulent" has a very definite and well-understood meaning, which has been settled and passed upon in judicial decisions.

Mr. RAKER. Will the gentleman yield for a question?

Mr. WALSH. Yes.

Mr. RAKER. Under the proviso these claimants would have three months after the passage of this act within which to file their claims, would they not?

Mr. WALSH. Yes.

Mr. RAKER. Then the gentleman's provision would make it so that those who by mistake had filed a claim that contained any misrepresentations, even not intentional, before the passage of this act, could not have their claims considered, but all those who filed claims since the passage of the act could commit all the frauds and perjuries imaginable, and it would not exclude them under the gentleman's provision.

Mr. WALSH. This very act is passed for the purpose of protecting the Government, as I understand it, against false and fraudulent claims that may be submitted after the act passes.

Mr. RAKER. Why does not the gentleman strike out the words "prior to the passage of this act," so that anybody who presents a false or fraudulent claim will be barred from the benefits of the act?

Mr. WALSH. Because that is in the language of the bill, as I read it. Nobody who after this act passes comes in with a fraudulent claim can get the Shipping Board to settle it.

Mr. RAKER. So the gentleman is desirous of placing those who filed claims prior to the passage of the act in a different position from those who file claims subsequent to the passage of the act?

Mr. WALSH. No; my amendment provides that any contractor who presents a fraudulent and false claim prior to the passage of this act shall not be settled with under the terms of this act but shall be left to his strictly legal grounds.

Mr. MONTAGUE. Will the gentleman from Massachusetts permit me to ask a question?

Mr. WALSH. Certainly.

Mr. MONTAGUE. I did not catch his amendment fully, but did the gentleman consider this aspect of it: Should it not be "knowingly false"? Does the gentleman's amendment contain any qualification of the word "false"? Some men innocently make false claims. The question is, Do they knowingly do it?

Mr. WALSH. I do not think the word "knowingly" is necessary, but I am willing to modify my amendment upon the suggestion of the gentleman from Virginia [Mr. MONTAGUE] and I ask to modify it by inserting the word "knowingly" before the word "false."

Mr. EVANS of Nebraska. Will the gentleman yield?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to modify his amendment by inserting the word "knowingly" before the word "false." Is there objection?

Mr. EVANS of Nebraska. I object.

The CHAIRMAN. The gentleman from Nebraska objects. An amendment to the amendment can be offered only by unanimous consent.

Mr. LONGWORTH. That is an amendment in the third degree.

Mr. BANKHEAD. What is the Chairman's authority for that sort of a ruling?

The CHAIRMAN. This is an amendment in the third degree. This is an amendment to an amendment which is sought to be amended by the amendment proposed by the gentleman from Massachusetts, which is now pending. That can be amended only by unanimous consent. The question is upon the adoption of the amendment to the amendment proposed by the gentleman from Massachusetts [Mr. WALSH].

The amendment to the amendment was agreed to.

Mr. HARDY of Texas and Mr. BANKHEAD rose.

The CHAIRMAN. The Chair recognizes the gentleman from Texas [Mr. HARDY], a member of the committee.

Mr. HARDY of Texas. The gentleman from Alabama [Mr. BANKHEAD] is also a member of the committee.

The CHAIRMAN. The Chair recognized the gentleman from Texas because of his seniority on the committee.

Mr. HARDY of Texas. If it is in order to move to amend the bill in its entirety by inserting before the word "false" the word "knowingly", I offer that amendment.

Mr. MANN of Illinois. I make the point of order that the amendment is not in order.

Mr. HARDY of Texas. As I understand it the amendment just adopted is already a part of the bill.

The CHAIRMAN. It is not in order to amend an amendment that has already been agreed to.

Mr. HARDY of Texas. I offer to amend the bill as it now stands.

Mr. MANN of Illinois. The gentleman can not do that.

Mr. DAVIS of Tennessee. Mr. Chairman, I desire to offer an amendment to the committee amendment.

The CHAIRMAN. The gentleman from Tennessee submits an amendment which the clerk will report.

The clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 4, line 20, after the word "authorized" strike out the words "and directed."

Mr. DAVIS of Tennessee. Mr. Chairman and gentlemen of the committee, the committee amendment as reported proceeds upon the very violent assumption that every claim filed by these contractors will be a just claim and should be paid. In other words, it provides "that the United States Shipping Board be, and it is hereby, authorized and directed to investigate, adjust, liquidate, and pay the claims of individuals, firms, or corporations who built or contracted to build wooden ships," and so forth. Now, by striking out the words "and directed" it simply authorizes them to do so, the presumption, of course, being that they will do so when those claims are just and ought to be paid under the provisions of this act, and I do not think that we should go to the extent, and I do not believe that the Congress wants to go to the extent, of specifically directing the payment of every one of these claims that may be filed, no matter how unjust or fraudulent it may be.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. CHINDBLOM. I would like to inquire whether the gentleman has the same recollection that I have, that Judge Payne, chairman of the Shipping Board, preferred to have the word "directed" in the bill, because he said he did not want it to rest entirely on the discretion of the board as to whether they should take up these matters.

Mr. DAVIS of Tennessee. I do not remember that. I remember that the chairman of the Shipping Board stated in general terms that it was a matter for Congress to determine and he trusted that Congress would take some action in order that they might settle claims in some way. But I do not remember that he took any such position as the gentleman states, and I do not think he did take any position to the effect that we should instruct the Shipping Board to pay all the claims.

Mr. CHINDBLOM. I did not say that. What I said was that the Shipping Board would investigate the claims, and they will not pay unless they find something due. The question is whether we shall give them the duty of investigating the claims.

Mr. DAVIS of Tennessee. I have no objection whatever to an instruction to them to investigate, but this amendment goes further, it authorizes and directs them "to investigate, adjust, liquidate, and pay."

Mr. CHINDBLOM. They will not pay unless they find something due.

Mr. BARKLEY. Will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. BARKLEY. What does the gentleman say is the meaning of this language at the bottom of page 4 and the top of page 5: "And said board shall adjust and liquidate these claims upon such terms as it shall determine from the facts in the case to be just and equitable"?

If they find nothing justly due the claimant, nothing will be due and nothing will be paid.

Mr. DAVIS of Tennessee. Well, I have an amendment to offer to that. That proceeds on the theory that every claim is just and that something is to be paid under it, and they are simply to determine the amount due.

Mr. JUUL. Will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. JUUL. Suppose you had inserted in front of the word "claim" the word "valid," so that it would read "adjust and liquidate each valid claim." Would not that be satisfactory to the gentleman?

Mr. DAVIS of Tennessee. Yes; but they could not determine whether it was valid until they had made an investigation.

Mr. BARKLEY. If the gentleman's contention is correct, it seems to me that the words "investigate, adjust, and liquidate" ought to be stricken out because under the gentleman's interpretation all they could do is to pay.

Mr. DAVIS of Tennessee. Statutes are to be literally construed.



Mr. ROWE. Will the gentleman yield?

Mr. DAVIS of Tennessee. I will.

Mr. ROWE. On page 5 the gentleman will find language like this:

That no claim shall be liquidated or paid unless it is alleged and found to be based upon a request or demand of the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them.

Then, down in line 16, it reads:

And provided further, That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board \* \* \* that reimbursement would be provided for in money or contracts for additional work.

Mr. DAVIS of Tennessee. All of that might be true, and still there might not be anything justly due on the claim.

Mr. ROWE. Does the gentleman think that if they found there was nothing due they would allow something?

Mr. DAVIS of Tennessee. They are instructed to do so under the provisions of the proposed committee amendment.

Mr. BEE. Mr. Chairman, I rise in opposition to the amendment of the gentleman from Tennessee. It occurs to me that the gentleman from Tennessee is too good a lawyer to seriously contend that the word "directed" ought to be stricken out of this amendment.

But, Mr. Chairman, I rose principally to say a word or two as to the general merits of the bill. It has been well said on the floor of the House that when the war came on this Government called for the building of ships through its authorized agents, guaranteeing, as far as men could be guaranteed, that they would be found whole at the end of the transaction. Men all over the country immediately went to work building these ships. The war came to an end and the men found themselves with the investment of a lifetime involved in this question. They found themselves not only with no profits, but found themselves faced with bankruptcy because, relying upon the good faith of the Government, they had gone into the investment for this purpose.

This bill, it occurs to me, carefully safeguards, carefully protects, the interests of the Government if we are going to have any confidence whatever in the integrity of the Government or the members of the Shipping Board. It sets out specifically what claims shall not be allowed and the circumstances under which claims shall be allowed.

Now, I have been very much interested in the discussion and statement of the gentleman from Massachusetts that prior to the time—and I direct the attention of the committee specifically to this statement in behalf of the justness of this measure—that prior to the time Judge Payne came on the Shipping Board, with a legal technical mind, looking to the interests of the Government, and said he believed there was a lack of authority upon the part of the Shipping Board to proceed with the settlement of this case, over 70 claims had been settled for; over 70 claimants had been paid their money. Those claims had been paid up to the time that Judge Payne made that decision, of which I do not complain but indorse, and stopped the payment of further claims.

Now, unless Congress directs the Shipping Board to proceed and investigate the obligations of the Government in this matter, under the power vested in the Shipping Board by Congress, this condition is going to prevail: That men with claims equally as equitable, equally as just, equally as entitled to settlement as those that have been paid, are going to find themselves defeated in the payment of their just claims because of this objection to further payment.

I have considered this bill carefully and I do not believe a man in this House wants the committee to put in any claim not authorized, in good conscience, but I do submit to this House that when these men under the powerful impulse and the persuasive power of the agents of the Government invested their money and built ships to meet the menace of the German submarine and sustain the valor and courage of the American soldier on the firing field that brought this war to an end, that in good conscience these men ought not to be cast into the darkness of bankruptcy because they trusted in the faith of their Government. [Applause.] That is all there is to it. If you have no confidence in the Shipping Board, then that is different.

Mr. HARDY of Texas. Mr. Chairman, it is a little out of order, but I ask unanimous consent to proceed in opposition to the amendment for five minutes.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. HARDY of Texas. Mr. Chairman, the committee felt that it was not only right to authorize an investigation but

that it was proper to direct an investigation. Without the word "direct" the Shipping Board would be authorized to make no investigation at all. No man, except through hypercritical nicety of construction, can avoid reaching the conclusion—taking the whole bill together, with the proviso on page 5—that they were directed to make an investigation and were authorized to make an adjustment and payment, and it is provided that they shall pay no claim unless it shall appear to the satisfaction of the board that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurance by the United States Shipping Board, United States Emergency Fleet Corporation, or some other agency or officer, acting under the authority, direction, or instruction of that board or either of them, that reimbursement would be provided for in money or contracts. There could be no reimbursement if there was no just claim. That is the plain meaning.

Mr. JUUL. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Yes.

Mr. JUUL. The gentleman is a member of the committee?

Mr. HARDY of Texas. I am.

Mr. JUUL. Will the gentleman kindly inform me if Judge Payne appeared at any time before the committee and recommended this legislation?

Mr. HARDY of Texas. Oh, more than once. He was before us from the beginning to the end, saying that he would have gone ahead and exercised the authority to adjust and settle these claims, if he had had authority, but that he believed under the law he could not do it; he had no authority to do it.

Mr. CHINDBLOM. Mr. Chairman, will the gentleman from Texas permit me to interrupt there so as to read Judge Payne's statement upon that?

Mr. JUUL. Permit me first to state to the gentleman from Texas [Mr. HARDY] that if Judge Payne was one of the men who recommended the bill, that is satisfactory to me. I wanted to draw that fact out.

Mr. HARDY of Texas. That is true, and the gentleman from Illinois will read his statement.

Mr. CHINDBLOM. Judge Payne said:

I have believed, and express it as my opinion, while I do not think we have a right as a matter of law to amortize the cost of those yards, that there was a moral obligation on the part of the Government to make the shipbuilders whole, and to pay what was just and equitable to that end.

Mr. HARDY of Texas. Let me supplement that by saying that this whole bill came up by reason of the fact that Judge Payne was anxious to have legal authority from Congress to make the settlement. Perhaps I would better express it by saying that Judge Payne was anxious to have Congress by law express its policy as to the payment or settlement of these claims, which he believed constituted a moral obligation, as he stated in that part of his testimony just read by Mr. CHINDBLOM.

Mr. JONES of Texas. Mr. Chairman, I would like to ask the gentleman if he would not clarify the whole situation by changing the language so as to make it read—directed to investigate and authorized to liquidate.

Mr. HARDY of Texas. Mr. Chairman, I would not have any objection to that change, but I think it is only a hypercritical parsing that would fail to reach the conclusion that nothing was to be paid unless it was authorized.

Mr. JONES of Texas. Mr. Chairman, I offer that as a substitute for the amendment that has been offered by the gentleman from Tennessee.

Mr. HARDY of Texas. I think it would be cumbersome and I think it would be unnecessary, because page 5 clarifies that.

The CHAIRMAN. The motion of the gentleman from Texas is not in order at this time.

Mr. JONES of Texas. Is it not in order to offer a substitute for an amendment that has already been offered?

The CHAIRMAN. The Chair thinks not.

Mr. JONES of Texas. It is not in order to offer an amendment, but it is in order to offer an amendment by way of substitute, even though in the third degree. I am not offering this as a direct amendment.

The CHAIRMAN. The Chair will read from the House Manual and Digest:

An amendment in the third degree is not specified by the rule and is not permissible, even when the third degree is in the nature of a substitute for an amendment to a substitute.

Mr. JONES of Texas. But, Mr. Chairman, I am not offering this as an amendment at all.

The CHAIRMAN. It is a substitute.

Mr. JONES of Texas. I am offering it purely as a substitute for the amendment, and it is always in order, even though an

amendment to an amendment is pending, to offer a complete substitute. This amendment is not offered as a dodge but as a complete substitute for the amendment, because it would change the meaning of the amendment. I offer to strike out on page 4, line 20, the words "authorized and" and insert before the word "adjust," in line 20, the words "and authorized."

The CHAIRMAN. The Chair is of the opinion that the motion of the gentleman from Texas is not in order and so holds.

Mr. JONES of Texas. Mr. Chairman, I respectfully appeal from the decision of the Chair.

The CHAIRMAN. The gentleman from Texas appeals from the decision of the Chair. The question is, Shall the decision of the Chair stand in the judgment of the committee?

The question was taken, and the Chair announced that the committee had determined that the decision of the Chair should stand as the judgment of the committee.

Mr. JONES of Texas. Mr. Chairman, I would like to say a few words before the vote is taken.

The CHAIRMAN. The vote has been taken and the judgment of the Chair has been sustained.

Mr. WINGO. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WINGO. I would like to know what is before the House? As I understand it, the committee has reported an amendment.

The CHAIRMAN. There is an amendment pending to that offered by the gentleman from Tennessee [Mr. DAVIS]. The question is on the amendment offered by the gentleman from Tennessee.

Mr. WINGO. And the Chair rules that you can not offer a substitute for an amendment to the amendment?

The CHAIRMAN. The Chair has so ruled.

Mr. WINGO. And the committee has sustained the ruling of the Chair on that proposition?

The CHAIRMAN. It has.

Mr. WINGO. I think we ought to have it framed, for that is a unique ruling.

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. When would an amendment be in order to add another section?

The CHAIRMAN. After that part of the bill has been reached. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken; and on a division (demanded by Mr. DAVIS of Tennessee) there were—ayes 15, noes 47.

So the amendment was rejected.

Mr. PARRISH, Mr. JONES of Texas, and Mr. RAKER rose.

Mr. PARRISH. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 6, line 5, after the word "war," strike out the semicolon and the balance of line 5 and also all of lines 6, 7, 8, 9, 10, 11, 12, and all of line 13 down to and including the word "case."

Mr. PARRISH. Mr. Chairman and gentlemen of the committee, the provision of the bill that I seek to strike out by my amendment is as follows:

And that no profits of any kind shall be included in the allowance of any of such claims, except upon completed ships or on ships partly constructed: *Provided*, That on ships partly constructed only such profits may be allowed on that part of the work of construction actually done at the time of the cancellation of contracts, or on work done thereafter on ships not canceled, as in the judgment of the Shipping Board are warranted by all the facts in the case.

In other words, gentlemen of the committee, by this amendment I move to strike from the bill any provision that would allow a man who had engaged in the building of ships any profits whatever upon his contract as a whole.

I do not believe that a man who comes before the United States Government at this time demanding relief and asking for the payment of money if he has made a profit on part of his contract or profit on some ships that he has constructed and lost on other ships, I do not believe he should be permitted to come before the Government and collect one cent out of the United States Treasury. He should be made to take into consideration his dealings with the Government in this particular, and if he is gainer on the whole, no relief should be granted.

Mr. BARKLEY. Will the gentleman yield?

Mr. PARRISH. I will.

Mr. BARKLEY. This language in the bill seems to be a limitation upon profits. If the gentleman's amendment is carried, will it not leave it open to anybody to get a profit in any amount the board might allow?

Mr. PARRISH. No; I do not understand it to mean that.

Mr. BARKLEY. I am afraid that is what it is.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. PARRISH. I will.

Mr. DAVIS of Tennessee. I want to say to my colleague from Texas that the Senate bill has a provision down to the word "claims," on line 7, and Judge Payne, chairman of the Shipping Board, expressly stated in his opinion that there should be a provision against any profits. Now, I will state I had an amendment prepared to strike out, beginning with the word "except," in line 7, down to the word "case," in line 13, so as to provide specifically that no profit should be allowed, but if the gentleman's amendment goes on it will leave that discretionary with the Shipping Board as to whether they allow a profit.

Mr. PARRISH. Mr. Chairman, in view of the suggestion made by the gentleman I wish to ask unanimous consent to modify my amendment. Beginning on line 7, after the word "claims," strike out the balance of that line and lines 8, 9, 10, 11, 12, and 13, down to the word "case."

The CHAIRMAN. The gentleman asks unanimous consent to modify his amendment. Is there objection?

Mr. BENSON. Mr. Chairman, I object.

Mr. PARRISH. Well, Mr. Chairman, I shall go ahead. Gentlemen of the committee, I am absolutely opposed to giving to any man any profit whatever. There has come before the Committee on Mines and Mining on similar relief bills that have been passed by other Congresses men with this unjust proposition. They say that after war was declared on April 6 and up until September of that year they made a profit, but at that time the Government requested them to enlarge their plants, and they did so and lost from September to the end of the war. They do not want the Government to take into consideration the fact that they made a profit from the beginning of war. My purpose in offering this amendment is to knock out of this bill all semblance of profit. If my amendment does not do that, I want to correct the amendment so it will do that. My view of it is that—the Shipping Board having the welfare of the American people at heart—if we knock out this provision there will be no profits allowed.

The CHAIRMAN. The time of the gentleman has expired.

Mr. PARRISH. Mr. Chairman, I ask for five minutes more. I have not taken any time on this bill.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. PARRISH. If we knock out all suggestion of profits the United States Shipping Board or those who settle this controversy will not allow any, and I do not believe we should allow any. It is not right. I want to say in all seriousness to the committee that prior to the signing of the armistice in 1918 all throughout our country representatives of the Government came before the cattlemen and farmers of our country and they said that it was necessary to have fats in order to win the war, and they urged the cattlemen of the West to go and buy cattle for feeding and fatten them so that the Government might have the fats in order to win the war. That was in September and October before the signing of the armistice in November. They not only said that but they urged the cattlemen and farmers to buy feeders and they did so and they paid high prices for them. The War Finance Corporation loaned the money and aided them in making those purchases. The armistice came on in November just after they had purchased these cattle. They had bought them at high prices. Then all the power of the Government, every possible force of the Government, was used to drive down the price of beef, which was in the interest of a majority of the people. They did drive down the price of beef, and the men who had acted as patriotically as ever a ship building contract man has acted were forced into bankruptcy and lost from \$50 to \$75 per head upon their cattle. Do you mean to tell them it is fair to settle with a man who made a shipbuilding contract, when the cattlemen and farmers of the western part of the country have done the things the Government asked them to do and because of that fact they have gone into bankruptcy—are you willing to say to them that they shall take out of the meager funds they have left and pay taxes to give these shipbuilding men a profit upon their contracts? I want to say that such a suggestion will not meet with the approval of the American people. [Applause.] It is repugnant to their sense of justice and right, and I hope every semblance of a profit will be stricken out of this bill. I ask for the adoption of my amendment, Mr. Chairman, because I believe that if it is adopted there will not be any profits included in any settlement that is made by the Shipping Board. Let us be fair and just to all the people of the United States. [Applause.]

Mr. JONES of Texas. Mr. Chairman, I desire to offer a substitute.

Mr. RAKER. Mr. Chairman, a parliamentary inquiry?



The CHAIRMAN. Let the substitute of the gentleman from Texas be reported first.

The Clerk read as follows:

Page 6, line 7, after the word "claims" strike out the remaining part of line 7, and lines 8, 9, 10, 11, 12, and all of line 13 down to and including the word "case."

The CHAIRMAN. Under a previous ruling of the Chair it is not in order.

Mr. JONES of Texas. On that I would like to call the Chair's attention to Rule XIX, which specifically, in words, says that it is in order. Under Rule XIX, page 359 of the Manual, it says:

When a motion or proposition is under consideration a motion to amend and a motion to amend that amendment shall be in order, and it shall also be in order to offer a further amendment in the way of a substitute, to which one amendment may be offered—

And so forth.

Mr. RAKER. Will the gentleman yield right there? There is nobody objecting to your amendment.

Mr. JONES of Texas. The Chair ruled it out of order.

Mr. MANN of Illinois. The gentleman slightly confuses that rule. What is under consideration here is the Senate bill, to which there is now pending a committee amendment. A substitute to that amendment would be in order, but this is an amendment to that amendment, and a substitute to the amendment to the amendment is not in order. According to that way you can get to the fourth degree.

Mr. JONES of Texas. This is not the committee amendment that is being considered, but is an amendment by a member of the committee to the amendment of the Senate.

Mr. MANN of Illinois. What is under consideration is a Senate bill, to which a committee amendment has been offered, and to which amendment an amendment is in order. You can not put in a substitute for an amendment to the amendment.

Mr. JONES of Texas. I would like to read to the gentleman further from this same rule. It says:

And it shall be in order to offer a further amendment by way of substitute, to which one amendment may be offered.

If the amendment is in order originally, then the substitute is in order, and one amendment to the substitute.

Mr. MANN of Illinois. I think the gentleman will see in a moment. Here the Senate bill is under consideration. An amendment to that Senate bill is offered and is in order. A substitute to that amendment is in order.

Mr. JONES of Texas. That is what I am offering.

Mr. MANN of Illinois. The gentleman is not. The gentleman is offering a substitute to the amendment to the amendment.

Mr. JONES of Texas. I can see no reason why the substitute should apply necessarily to the original amendment rather than to the amendment to the amendment. Does the gentleman contend that a substitute is not in order to an amendment to the amendment?

Mr. MANN of Illinois. Certainly not, because that would be an amendment in the fourth degree. An amendment to the substitute is then in order.

Mr. JONES of Texas. A substitute simply takes the place of the amendment. If the amendment is in order, the substitute is in order.

Mr. MANN of Illinois. Of course, if a point of order was not made. The amendment to the committee substitute is in order, but not a substitute to that amendment. A substitute to the original amendment is in order.

Mr. JONES of Texas. This language says an amendment is in order, and an amendment to the substitute is in order.

Mr. MANN of Illinois. The gentleman has not offered a substitute to the committee amendment.

Mr. JONES of Texas. I think the gentleman from Tennessee [Mr. DAVIS] first offered, perhaps, his amendment as a substitute, but the point of order was not made as to it.

Mr. MANN of Illinois. He is not required to offer his amendment as a substitute. His amendment is an amendment to the amendment.

The CHAIRMAN. The Chair is ready to rule on this question. The committee amendment is sought to be amended by the amendment offered by the gentleman from Texas [Mr. PARRISH]. The gentleman from Texas [Mr. JONES] does not seek to amend, but sends to the desk something he offers as a substitute. It is not in any sense a substitute. It merely perfects language and makes a certain change in the language of the amendment of the gentleman from Texas [Mr. PARRISH]. It is not a substitute, and the Chair so holds.

Mr. MANN of Illinois. Mr. Chairman, I desire to offer a preferential amendment. I move to amend by striking out, on page 6, lines 7 and 8, the language:

Except upon completed ships or on ships partly constructed.

The CHAIRMAN. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 6, lines 7 and 8, after the word "claims" in line 7, strike out the words: "except upon completed ships or on ships partly constructed."

Mr. BLACK. A point of order, Mr. Chairman. We have an amendment pending.

Mr. MANN of Illinois. Mr. Chairman, as I understand, the gentleman from Texas has moved to strike out the language on page 6, commencing on line 5:

And that no profits of any kind shall be included in the allowance of any such claims, except upon completed ships or on ships partly constructed.

Now, I have offered a preferential amendment to correct the text before we vote upon the proposition to strike it out.

Mr. BLACK. I think that is all right. I withdraw my point of order.

The CHAIRMAN. The question is on the amendment of the gentleman from Illinois [Mr. MANN].

The question was taken, and the Chair announced that the ayes seemed to have it.

Mr. BANKHEAD. Division, Mr. Chairman.

The committee divided; and there were—ayes 46, noes 26.

Mr. BENSON. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The question is on the amendment of the gentleman from Texas [Mr. PARRISH].

Mr. DAVIS of Tennessee. Mr. Chairman—

Mr. BENSON. Mr. Chairman, I make the point of order there is no quorum present.

The CHAIRMAN. The gentleman from Maryland makes the point of order that there is no quorum present; and the Chair will count.

The Chair proceeded to count.

Mr. BENSON. Mr. Chairman, I withdraw the point of no quorum.

The CHAIRMAN. The gentleman from Maryland withdraws the point of no quorum.

So the amendment was agreed to.

The CHAIRMAN. The question recurs on the amendment offered by the gentleman from Texas [Mr. PARRISH].

Mr. DAVIS of Tennessee. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. DAVIS of Tennessee. I understand the question is on the amendment of the gentleman from Texas?

The CHAIRMAN. The question is on the amendment of the gentleman from Texas, as amended by the amendment of the gentleman from Illinois.

Mr. BLACK. That is not the amendment. The gentleman from Illinois did not offer an amendment to the amendment of the gentleman from Texas, because that would be an amendment in the third degree.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. PARRISH].

Mr. MANN of Illinois. Mr. Chairman, as I understand the amendment of the gentleman from Texas, he proposes to strike out the limitation in the bill providing the allowance of profit?

Mr. PARRISH. Mr. Chairman, I withdraw my amendment.

Mr. BENSON. I object, Mr. Chairman.

Mr. BARKLEY. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman from Maryland objects. The question is on the adoption of the amendment of the gentleman from Texas [Mr. PARRISH].

The question was taken, and the amendment was rejected.

Mr. DAVIS of Tennessee and Mr. JONES of Texas rose.

The CHAIRMAN. The gentleman from Tennessee is recognized.

Mr. BARKLEY. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman from Kentucky rise?

Mr. BARKLEY. To make a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. BARKLEY. The amendment of the gentleman from Illinois [Mr. MANN] having been adopted, eliminating profit on completed ships and ships partly constructed, does the situation now still leave in the proviso, beginning on page 8, providing for profits on partially constructed ships? The amendment of the gentleman from Illinois only struck out certain language, beginning with the word "except," on line 7, and ending with the word "constructed," on line 8. The proviso provides how the Shipping Board may allow for the partly constructed ships.

The CHAIRMAN. The Chair has recognized the gentleman from Tennessee [Mr. DAVIS] to offer an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 4, line 21, after the word "claims," insert the words "based upon contracts, express or implied."

Mr. DAVIS of Tennessee. Now, Mr. Chairman, it has been argued by those favoring this bill that no more was being sought than that to which the contractors were entitled, at least under an implied contract, and a comparison has been made between the bill under consideration and the Dent bill.

The Dent bill expressly provides that awards shall be based upon agreements, express or implied. I do not think that we should go any further at least than an implied contract. A number of speeches have been made appealing to the membership on the ground that these men who entered into these shipping contracts would be very greatly injured unless this bill were passed and they be given the relief it affords. It would be impossible for us to undertake to place in statu quo every citizen of this Republic who may have been injured, financially or otherwise, because of the war, or because of the unexpected termination thereof. We are not making any provision to pay manufacturers who constructed factories and obtained machinery and entered upon the manufacture of articles which would have been needed if the war had been continued, even though they were intending to sell them to the Government. They can not recover for any of that machinery or any of those buildings, nor even for any of those goods that were left on hand, unless they had an agreement, express or implied, to furnish such goods to the Government, and in that event they do not get any pay for the factories or machinery. It would be just as proper to pass a bill to make whole that large number of citizens who, by reason of the encouragement and importunities of Government officials, entered upon the growing of castor beans with the expectation of making a sale of them in case the war had continued and which they could have done, but which were left on their hands because the war terminated earlier than was expected. There are innumerable other instances where farmers patriotically responded to appeals, redoubled their efforts, and incurred heavy expense in an effort to help win the war, but who sustained heavy losses because of the unexpected termination of the war or because of other occurrences over which they had no control and for which they were in no sense responsible. Why neglect them and yet take care of these large contractors?

Comparison has been made with the Dent bill. You will recall that the statement has been made that there is nothing in this bill that is not in the Dent bill. I want to point out a single instance that occurred in my district, and I am sure that others know of similar instances. In the cases coming under the mineral provisions of the Dent bill men all over the country entered into contracts with the Government to mine needed ores of different kinds. One man in my district made a contract of that kind and spent several hundred dollars in excavating and mining in an effort to obtain a certain character of ore which was known to exist in that community. He was continuing this mining at the time the war terminated, and he was stopped in that work because of the armistice, and he filed his claim for the amount that he had expended under that contract, and the board denied him any award at all upon the ground that he had not been able to market any of the ores "in sufficient quantities to be of commercial importance," as was required under the provisions of the Dent bill itself. In other words, under the Dent bill, unless a man accomplished something, unless the Government was benefited in some material way, he can not recover under the express provisions of that bill. The Dent bill also expressly provides that there shall be no profit of any kind.

This bill goes far beyond the Dent bill in this and in other respects to which I have called attention, and I think it certainly ought to be amended; and if the gentlemen are correct in their statements that no effort is being made to pay out anything except what is based upon contract, either expressed or implied, I do not see how there can be any objection to the amendment which I have offered.

Mr. EDMONDS. Mr. Chairman, should the amendment proposed by the gentleman from Tennessee [Mr. DAVIS] pass, it would simply defeat the purposes of the bill.

The purposes of the bill, as we all understand, are to reimburse these shipbuilders for their capital expenditure. Certainly if they were working under contracts, either expressed or implied, there would be no question raised as to the return of capital expenditure. If this amendment passes you are going to make the bill virtually useless because you let the Shipping Board go on and make the settlements that they can already legally make, so that there will be no reimbursement for the yards whatever, because we all know that when these men went into the business there was no contract, expressed or implied, to build yards.

Mr. HARDY of Texas. Mr. Chairman, as just stated by the gentleman from Pennsylvania [Mr. EDMONDS], the amendment now offered by the gentleman from Tennessee [Mr. DAVIS] is simply destructive of the whole bill. Already and without any legislation any shipbuilder has a perfect right to recover for contract prices, whether the contract be expressed or implied.

Mr. BLACK. Mr. Chairman, will the gentleman yield?

Mr. HARDY of Texas. Just wait until I get through with this.

This bill is intended to cover cases which you can hardly call a contract, but which are described in the last part of page 5, where this language is employed:

That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them, that reimbursement would be provided for in money or contracts for additional work.

That is an arrangement that could hardly be called a contract, and yet it was an assurance held out to these men upon which they went to work, upon which they were urged to go to work. It is because of the vagueness of that assurance, and yet the positive inducement of that assurance, that this bill is rendered just and necessary. If it were a valid and binding contract, there would be no bill needed.

Mr. BLACK. Mr. Chairman, will the gentleman yield there for a moment?

Mr. HARDY of Texas. Yes.

Mr. BLACK. I understand, of course, that the Director of the Shipping Board would have the right to adjust legal contracts. I do not understand that we have got any law that would give him the right to pay and adjust an implied contract.

Mr. HARDY of Texas. Why, the gentleman knows that in law an implied contract is as binding as an expressed contract.

Mr. BLACK. Oh, no; we have no such thing as implied contracts with the Government. You must enter into a written contract with the Government if it is to be legal.

Mr. HARDY of Texas. The object of this bill is to meet conditions similar to those that prevail which have been covered by many other bills where a question might be raised as to the authority of the agent to make a contract binding on the Government. You may be right in saying that the Government is not legally bound by any implied contract. I know it is morally bound. Under the conditions then existing every patriotic impulse was called into effect, and this bill authorizes the payment of nothing unless it was for building ships under assurances by the Shipping Board that the people who incurred the expense would be compensated, yet you could not call it a contract; but common honesty demands that they be paid.

Mr. BENSON. Is it not a fact that the majority of these shipyards are new yards, where people went into these enterprises from patriotic motives, many of them putting all their money into these enterprises, and did it for Government purposes primarily and alone?

Mr. HARDY of Texas. I will say to the gentleman that that is the case with a vast majority of these people. Some of them had never had any shipbuilding experience, and went into it simply upon the urgent insistence of the Government and without contracts, but upon the assurance that they would be cared for—would be treated fairly.

Mr. RAKER. Will the gentleman yield for a question?

Mr. HARDY of Texas. Yes.

Mr. RAKER. With this amendment on the bill this legislation is ineffective?

Mr. HARDY of Texas. With this amendment on the bill it is of absolutely no effect.

Mr. BENSON. It is killed.

Mr. HARDY of Texas. Yes; it is worse than killed; it is made absurd.

Mr. MANN of Illinois. I make the point of order that debate on this amendment is exhausted.

The CHAIRMAN. The point of order is sustained. The question is on the amendment offered by the gentleman from Tennessee.

The question being taken, the amendment was rejected.

Mr. MANN of Illinois. I move to amend page 6, beginning in line 8, by striking out after the word "provided" the language:

That on ships partly constructed, only such profits may be allowed on that part of the work of construction actually done at the time of the cancellation of contracts, or on work done thereafter on ships not canceled, as in the judgment of the Shipping Board are warranted by all the facts in the case.

Mr. HUMPHREYS. Mr. Chairman, I offer a preferential amendment.



The CHAIRMAN. The Clerk will first report the amendment offered by the gentleman from Illinois [Mr. MANN].

The Clerk read as follows:

Amendment offered by Mr. MANN of Illinois: Page 6, line 8, after the word "provided" strike out all down to and including the word "and" in line 13.

Mr. MANN of Illinois. Mr. Chairman, the committee has already agreed to an amendment to strike out the language which would allow profits upon completed ships or on ships partly constructed and leaving in a provision forbidding the payment of any profit, but there was a proviso in the original amendment intended to be a limitation upon profits allowed upon completed ships or partly completed ships, which would allow certain profits. I have offered an amendment to strike that language out of the bill, so that the bill will provide that no profits of any kind shall be included in the allowance of any of the claims filed under this bill. That follows the action that the committee has already taken.

Mr. HARDY of Texas. Mr. Chairman, I wish to be heard in opposition to the amendment.

Mr. BENSON. Mr. Chairman, I want to make a point of order against that amendment. It is the same amendment that was offered by the gentleman from Texas [Mr. PARRISH].

Mr. BARKLEY. The point of order comes too late.

The CHAIRMAN. The point of order comes too late. There has been debate upon the amendment.

Mr. MANN of Illinois. It is not subject to a point of order anyhow.

Mr. HARDY of Texas. Mr. Chairman, I think the members of the committee who reported this bill really slept on their rights while the amendment offered by the gentleman from Illinois [Mr. MANN] was presented. We certainly did not present the views that were presented to the committee in favor of the inclusion of that paragraph in our committee bill. It was stated to us, and it is true, that some of these contractors completed contracts. They built ships and delivered them under contracts with the Government, under which they received, I believe, \$15,000 profit. It was not intended that this bill should upset or undo such contracts. They were not only moral obligations but legal obligations, and I do not believe the Congress has the right now to say that the Shipping Board, in settling claims, shall not allow a just and legal claim under a contract.

Mr. BLACK. Will the gentleman yield?

Mr. HARDY of Texas. I have only five minutes. Now, I understand that the object of this amendment is this, that if a man had a contract under which he was to have built 12 ships for the Government, and upon each ship he was to be allowed a profit of \$15,000 or \$25,000 or \$50,000, and in making that arrangement it was understood that \$10,000 of that profit was to go to the amortization and settlement of the cost of the plant which he was induced to construct in order to build these ships, and if he built five ships, and has been paid for them according to contract, when the Government cancels the balance of the contract, which was that they would give him enough ships to build so that he could amortize and pay for the building of his plant, then the Government would make him apply all his profits on completed ships instead of part of such profits, as agreed, to the amortization of his plant cost. The Government, because it has the power, says to these men with whom it had contracts, we will cancel your contract and we will not allow you any profit whatever on what you have actually done.

Not only that, but we will take what profits you have received on work done and apply it to your losses on work which you performed under our promise to reimburse you. That may be a favor to the Government, but it is not square with the contractor, and I believe the Government ought to be square with these people and pay them the profits on executed contracts which they are entitled to under the contract and in law, and then reimburse them for expenditures made on other work which was done at the request of the Government and under the Government's assurance of reimbursement.

This bill as drawn is just and fair and would meet every moral obligation that the Government had with these gentlemen, and we ought not to have adopted the amendment of the gentleman from Illinois. I do not know that any argument would have prevented its adoption, and I do not know what our position is now, except to leave it to be settled in conference.

Mr. HUMPHREYS. Mr. Chairman, I move to strike out, in line 9, page 6, the word "only"; in line 11, after the word "thereafter," insert "at the request of the Shipping Board"; and in line 12, after the word "canceled," insert the word "and."

The CHAIRMAN. The Clerk will report the amendment offered by the gentleman from Mississippi.

The Clerk read as follows:

Page 6, line 9, after the word "constructed," strike out the word "only"; in line 11, after the word "thereafter," insert "at the request of the Shipping Board"; and, in line 12, after the word "canceled," insert the word "and."

Mr. HUMPHREYS. Mr. Chairman, the amendment, if adopted, would make the paragraph read as follows:

*Provided*, That on ships partly constructed such profits may be allowed on that part of the work of construction actually done at the time of the cancellation of contracts, or on work done thereafter at the request of the Shipping Board on ships not canceled and as in the judgment of the Shipping Board are warranted by all the facts in the case.

Now, Mr. Chairman, when the armistice was signed a number of these contracts were immediately canceled. On our entry into the war the Shipping Board and others representing the Government called a meeting of various gentlemen throughout the country, men who were not engaged in the business of building ships, and in answer to a cry that went up from England that the three great needs of the Allies were, first, ships; second, ships; and third, ships. In answer to this we undertook to build ships in order to enable us to win the war. These gentlemen assembled and were urged to embark in that enterprise. They undertook to build them, with the assurance given that they would be given contracts enough, at least, to make them whole. They did not wait to get contracts, either contracts in fact or implied contracts. They went to work to build the ships to supply the need that was foremost. They built the ways on which to construct the ships, and were going forward rapidly in building ships. The armistice came, and the contracts were canceled.

Now, certainly they ought to be permitted to have a reasonable profit on the ships they had actually built. The Shipping Board said we will stop building some ships and let them continue others, according to which is the cheapest for the Government. If it is more than half completed or three-quarters completed, the Government can make more out of it for them to be permitted to complete the building of the ships. But where it would cost more to complete the ships than it was worth they canceled it. They went to the shipbuilders and said, "Here is a ship that is not quite complete, and we want you to go on and finish it," and they did go on and finish it. Why ought not they to be permitted to have a reasonable profit? And their profits were not beyond reasonable. I submit that anything else than that is unfair. The Government does not want to repudiate any of its contracts or any of its indebtedness. These gentlemen were induced by the Government at the earnest solicitation of representatives of the Government to go into the building of ships, men not engaged in that business, but they did it as a patriotic duty.

The CHAIRMAN. The time of the gentleman has expired.

Mr. DAVIS of Tennessee. Mr. Chairman, I desire to be recognized in opposition to the amendment. The amendment as proposed by the gentleman from Mississippi would go further than the committee amendment does. I think there is no question but that the amendment offered by the gentleman from Illinois should be adopted; that will leave the bill in this regard in the same condition as it passed the Senate. In that connection I wish further to call attention to the fact, as shown by the hearings, that Chairman Payne of the Shipping Board more than once stated that he did not think any provision should be made to allow these contractors any profit. He said that if the Government was willing to step in and take their ways and yards off their hands and make them whole, they ought to be satisfied. I think that is undoubtedly true. If this bill passes in its present form, men who had not finished a single ship will be paid \$200,000 or \$300,000 or \$400,000 for their shipways. These shipways involved in these amortization propositions, for which they are not entitled to pay under the contracts, as shown by the hearings, cost \$100,000, \$500,000, \$600,000, or \$700,000. Some of them that had not earned a profit upon a single ship, who had not completed a ship, and others who had completed one or two or three, will be paid these sums by the Government if this bill becomes a law. Is this Congress going to take that position—that we should go beyond all law and all contracts and pay them for these shipyards, for which they are not entitled to be paid under any existing law or under any contract, written or oral, express or implied, and at the same time pay all the profits to which they would have been entitled under their contracts?

Mr. PARRISH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. PARRISH. I would ask the gentlemen on the committee if this amendment of the gentleman from Mississippi is adopted would we not thereby overcome the effect of the

amendment just adopted, offered by the gentleman from Illinois [Mr. MANN], and allow profits to be considered?

Mr. DAVIS of Tennessee. Yes. It would go further even than the committee amendment. I have already made that statement.

Mr. PARRISH. Unless we vote down the amendment offered by the gentleman from Mississippi, profits will be included in the bill?

Mr. DAVIS of Tennessee. Absolutely.

Mr. HARDY of Texas. Mr. Chairman, if the gentleman asked that question of members of the committee, I will simply say that the amendment which the gentleman from Mississippi offers is that work done after the armistice, at the instance of the Shipping Board, shall be paid for according to the contract of the Shipping Board, and I think it is eminently right that it should be.

Mr. DAVIS of Tennessee. Mr. Chairman, in response to the statement of the gentleman from Texas [Mr. HARDY], under the existing law these contractors can recover every penny that they are entitled to for the construction of the ships, either in whole or in part, just the same as if they had constructed them for an individual, or just the same as if the contract had been canceled by an individual corporation. There is no controversy about that, and every one of them who was willing to settle according to his contract and according to law has already been paid, to the extent of some 70 in number. It is not a question of cutting out the profits for those who are entitled to them under their contracts, but it is a question of going further than Congress has ever gone and paying out, in my opinion, some \$50,000,000 of the people's money when there is no authority either in the contracts or under existing law.

Mr. ROWE. Mr. Chairman, the people who are absolutely opposed to this bill—

Mr. BLACK. Mr. Chairman, I make the point of order that debate has been exhausted upon this amendment.

Mr. ROWE. Mr. Chairman, I hope everybody in favor of this bill will vote for the amendment.

Mr. MANN of Illinois. Everybody in favor of profits will vote for it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Mississippi.

The question was taken; and on a division (demanded by Mr. HUMPHREYS) there were—ayes 31, noes 46.

So the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Illinois [Mr. MANN].

The question was taken; and on a division (demanded by Mr. ROWE) there were—ayes 63, noes 24.

So the amendment was agreed to.

Mr. DAVIS of Tennessee. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 7, line 8, after the word "year" insert: "The Attorney General of the United States is hereby authorized and directed to assign counsel to represent the Government and protect its interests with regard to claims filed under the provisions of this act."

Mr. BARKLEY. Mr. Chairman, I reserve the point of order.

Mr. BANKHEAD. Mr. Chairman, I reserve the point of order.

Mr. JONES of Texas. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. JONES of Texas. This seems to be an amendment to the second paragraph of this section.

The CHAIRMAN. The whole committee amendment is open to amendment.

Mr. DAVIS of Tennessee. Mr. Chairman, the reason for offering this amendment—

Mr. BANKHEAD. Mr. Chairman, I make the point of order against the amendment.

The CHAIRMAN. The gentleman will state the point of order.

Mr. BANKHEAD. Mr. Chairman, the amendment is not germane to the section or any provision of the bill. This bill has nothing to do with the exercise of any function or authority by the office of the Attorney General of the United States. It is a bill that relates exclusively to the Shipping Board and to the settlement of contracts with the Shipping Board by the contractors. It is an absolutely new thing to propose an exercise of authority by a different executive branch of the Government, requiring the Attorney General, who has no connection as a matter of law with the Shipping Board, to assert jurisdic-

tion over the activities or, at least, a branch of the Shipping Board. It is not germane to this section of the bill.

The CHAIRMAN. The Chair will hear the gentleman from Tennessee.

Mr. DAVIS of Tennessee. Mr. Chairman, this bill provides for the investigation of these claims and their liquidation and payment. The bill has numerous provisions with regard to the manner in which those investigations may be made.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. HARDY of Texas. Was it not in testimony before the committee that the Shipping Board itself has its own attorneys for the purpose of advising it with reference to its obligations and duties and assisting it in making investigations and things of that sort; that they had attorneys employed and paid a regular salary for that purpose?

Mr. DAVIS of Tennessee. I do not understand it that way. I understand that they have solicitors and counselors in the department, but I do not know of any evidence to the effect that they conducted these investigations or assembled evidence in behalf of the Government or represented the Government's interests at these hearings. As I understand, they are counselors in an advisory capacity.

Mr. BARKLEY. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. BARKLEY. Under the provisions of the original Shipping Board act authorizing them to employ not only clerical assistance but legal assistance, Judge Payne himself was chief counsel for the United States Shipping Board.

Mr. SABATH. Mr. Chairman, does the gentleman contend that that gives him the right—

Mr. BANKHEAD. Mr. Chairman, let us have this discussion confined to the point of order.

Mr. DAVIS of Tennessee. Mr. Chairman, as I started to say, this bill contains various different provisions as to the manner in which these claims are to be considered and the basis upon which they are to be allowed. It also provides that if these claimants are dissatisfied they may go into court.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. EDMONDS. I would like to ask the gentleman whether he thinks the present Democratic Shipping Board needs watching?

Mr. DAVIS of Tennessee. I do not think it needs watching any more than the interests of the people need watching in every court in the land. The Government, which is representing the people, has counsel in every district court and the various other courts to protect the public interests.

And you may rest assured that these claimants for these millions of dollars will have able counsel to work up their cases and present them before the board, and I think it is a small concession to say that the Government shall likewise have somebody there to represent its interests and to see that no more is allowed than is entitled to be allowed even under this far-reaching and extraordinary bill.

The CHAIRMAN. The Chair is ready to rule. The amendment offered by the gentleman from Tennessee [Mr. DAVIS] seeks to direct the Attorney General to perform certain duties and to do certain things. This act is to liquidate and settle claims of wooden-ship builders against the United States Shipping Board Emergency Fleet Corporation. The amendment of the gentleman from Tennessee seeks to direct another department of the Government to do certain things. It is clearly not within the purview of the legislation, and the point of order of the gentleman from Alabama is sustained.

Mr. BLACK. Mr. Chairman, I have an amendment which I desire to offer.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 5, line 8, after the word "upon" insert "an agreement, expressed or implied."

Mr. BLACK. Now, Mr. Chairman, the amendment I have offered—

Mr. CHINDBLOM. Mr. Chairman, I make the point of order.

The CHAIRMAN. The point of order of the gentleman comes too late; the gentleman has begun discussion.

Mr. CHINDBLOM. But he has not finished a single sentence.

Mr. BLACK. Mr. Chairman, it would not be subject to the point of order anyhow.

The CHAIRMAN. The Chair thinks the gentleman is entitled to proceed with the discussion.

Mr. BLACK. Mr. Chairman, the gentleman from Tennessee [Mr. DAVIS] offered a very similar amendment; in fact, I think if



his amendment had been adopted that mine would have been unnecessary. The effect of the amendment, if adopted, will be to restrict adjustments under this bill to such claims as are based upon an express or implied agreement. Now, the gentleman from Texas, my honored colleague [Mr. HARDY], stated in the debate on the amendment of the gentleman from Tennessee that if we adopt a provision of this kind it would kill the bill. Well, I undertake to say, Mr. Chairman, that if this bill contemplates the settlement of any other class of claims except those that were authorized either by express or implied agreement, the bill ought to be killed. During the time of the agitation for the building of wooden ships I recall that the secretary of the chamber of commerce of one of the cities in my State came into my office and asked that I accompany a delegation of Texans to the Shipping Board to see if they could not secure some contracts to build wooden ships, and I dare say that if this bill is passed that shipyard will come before the Shipping Board and claim that it was solicited and induced to build ships.

Now, then, Mr. Chairman, when we passed the bill that authorized the Secretary of War to adjust our war contracts we did not say, "Mr. Secretary of War, go out and pay millions of dollars of our money wherever you can find a claim based on a request or a demand of some agency representing the Government." We confined him to the settlement of transactions supported by an express or implied agreement. The word "request" as used in this bill is a mighty broad word. The word has been legally defined to be "asking for anything, the expression of a desire." It has been defined in the case of Kreider's Estate, 61, Atlantic Reporter, to be the expression of a desire. Well, of course, the Government of the United States expressed a desire that we have wooden ships built and steel ships built and every other kind of a ship, but I undertake to say that we ought not to write a bill that will give the Shipping Board the authority to adjust any other kind of transactions except those that are bottomed upon either an expressed or implied agreement.

Mr. RAKER. Will the gentleman yield?

Mr. BLACK. I will.

Mr. RAKER. On page 5, line 8, of this bill it is stated that this shall be done upon request or demand. Now, is it the gentleman's understanding that the legal interpretation has now placed upon those words "request and demand" by the various courts are applicable to this bill?

Mr. BLACK. Why, certainly. There is no peculiar technical use of the word "request" in the language of the bill, and it would be interpreted in the ordinary meaning of the word, and the safe thing for us to do is to write into this bill the same words that we wrote into the bill when we authorized the Secretary of War to adjust the war contracts, and here is what we said in that bill:

That the Secretary of War be, and he is hereby, authorized to adjust, pay, or discharge any agreement, expressed or implied.

Now, the gentleman from Texas [Mr. HARDY], in the speech that he made in opposition to a similar amendment, said that under the present law the Shipping Board would have the authority to adjust and pay an implied contract. Well, I would like to know where the gentleman gets authority for that, because the United States statutes provide that the Secretary of War or any other official of the United States Government, in order to bind the Government, must enter into a written contract, and it describes the formality that must be used in entering into these contracts, and it is for the very reason that under the law we now have no right to bind the United States Government except by a written contract that legislation of this kind is necessary. I am willing to vote for a bill which will authorize the Shipping Board to adjust and settle all claims which are based upon an agreement, expressed or implied, entered into with the Shipping Board or its authorized representatives, but I am not willing to go beyond that and for the reason that this bill goes entirely too far, I shall not support it.

Mr. HARDY of Texas. Mr. Chairman, if I understand the amendment—

Mr. WILLIAMS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. Is this debate limited to the gentlemen from Texas?

Mr. HARDY of Texas. I hope this is not coming out of my time.

Mr. BLANTON. They are handling it very ably.

Mr. WILLIAMS. I know they are; but I only wanted to know.

The CHAIRMAN. The gentleman from Texas is a member of the committee and is entitled to preference. The Chair recognizes the gentleman from Texas.

Mr. HARDY of Texas. Mr. Chairman, it seems to me that the amendment, as I understand it, offered by the gentleman from Texas, is just a confusion of words and an expression of opposition to the bill generally. If a request or demand of the United States Shipping Board is not an agreement, either expressed or implied, to pay a reasonable compensation for the doing of the thing requested, it would certainly imply such; and surely such a request, accompanied by an assurance of compensation, would be an implied agreement to pay. If I asked the gentleman from Texas to do something for me, assuring him that I would reimburse him or that I would compensate him for the doing, that would be an implied agreement. The language in the bill is that the claim must be based upon a request or demand of the United States Shipping Board, and so forth, accompanied by the assurance that they will be reimbursed for the expenses incurred. Now, that may not constitute an implied agreement; it may not constitute an express agreement, in the gentleman's opinion who has just offered this amendment, but in my opinion it does, and the gentleman's amendment simply balls up the well-worded text of the bill and incorporates into it a lot of additional phrases and paragraphs which do not clarify the purpose of the bill, the purpose of the bill being plainly shown by first providing:

That no claim shall be paid unless it is based upon a request or demand of the United States Shipping Board.

And so forth, and—

And provided further, That no claims shall be allowed and paid by said board unless it shall appear to its satisfaction that the expenditures made or obligations incurred by the claimant were made in good faith and upon assurances by the United States Shipping Board, the United States Shipping Board Emergency Fleet Corporation, or some officer or agent acting under the authority, direction, or instruction of said board or corporation, or either of them, that reimbursement would be provided for in money or contracts for additional work.

If that would not be an implied contract, if it would not be an implied agreement, to compensate these men, there is no such thing as an implied agreement. But it does not meet the requirements, perhaps, of a contract with an officer clothed by law with power to make such a contract in the way it was made, and so constitutes perhaps only a moral obligation. And the gentleman wants to wipe out every obligation the Government has assumed by its agents, the Shipping Board and the Emergency Fleet Corporation, is going to the citizens and urging and demanding, and sometimes almost under duress forcing them, to utilize their facilities for shipbuilding unless such obligation is in form and substance a valid, binding contract enforceable at law.

Mr. BLACK. Will the gentleman yield?

Mr. HARDY of Texas. I will yield to the gentleman.

Mr. BLACK. What I wanted to ask the gentleman is this: If the words "agreement, express or implied" mean the same as "request," why does not the gentleman use them?

Mr. HARDY of Texas. They did not call it an agreement. They did not make it in the form of an agreement; they made a request and demand, and gave an assurance, which was an implied agreement, and you might quibble as to whether or not an agreement was made. But the meaning is plain. The Shipping Board went to these men, made their request, and assured them that they would be reimbursed, and I call it an agreement. Our committee endeavored simply to word the bill so as to apply to the actual conditions and be easily understood by everybody.

The CHAIRMAN. The question is on the adoption of the amendment of the gentleman from Texas [Mr. BLACK].

Mr. PARRISH. Let us have it reported again.

The CHAIRMAN. Without objection, the amendment will be again read.

The amendment was again reported.

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Texas [Mr. BLACK].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. BLACK. Division, Mr. Chairman.

The committee divided, and there were—ayes 22, noes 81.

So the amendment was rejected.

Mr. DAVIS of Tennessee. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 7, line 8, after the word "year," insert: "The Shipping Board is hereby authorized and directed to assign counsel to represent the Government and to protect its interest in the investigation and presentation of claims under the provisions of this act."

Mr. GREENE of Massachusetts. Mr. Chairman, I accept the amendment.

Mr. DAVIS of Tennessee. Do I understand that the committee accepts the amendment?

Mr. HARDY of Texas. We all think that amendment is all right.

The CHAIRMAN. The question is on the amendment of the gentleman from Tennessee [Mr. DAVIS].

The question was taken, and the amendment was agreed to.

Mr. DAVIS of Tennessee. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 7, line 9, after the word "year," strike out all of section 2.

Mr. BANKHEAD. Mr. Chairman, has that section been read?

The CHAIRMAN. It has been read.

Mr. DAVIS of Tennessee. Mr. Chairman, I would like to make a little statement.

Mr. HUMPHREYS. I would like to make this suggestion to the gentleman: You say after the word "year." You put an amendment in just now—

Mr. DAVIS of Tennessee. It is to strike out section 2.

Mr. HUMPHREYS. Do not say after the word "year."

Mr. DAVIS of Tennessee. I just used one of these forms.

Mr. TINCER. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. TINCER. What portion of this bill has been read?

The CHAIRMAN. All of it has been read.

Mr. DAVIS of Tennessee. Mr. Chairman, my amendment as it has been read perhaps is incorrect in that an amendment has been adopted after the word "year." I want to modify my amendment so as to simply provide that it strike out section 2.

Mr. GREENE of Massachusetts. The committee does not object to that.

Mr. RAKER. Mr. Chairman, I rise in opposition to the amendment.

The CHAIRMAN. The gentleman from California is recognized.

Mr. RAKER. Mr. Chairman, I shall support this bill. The amendment that struck out the section was unfortunate for those who expended the money and should have reasonable compensation.

I call the committee's attention to the fact that when the act of March 2, 1919, was passed it was intended to cover the war contracts and the mineral claimants who expended their money when it was necessary for the Government. The shipbuilding concerns along the eastern, southern, and western coasts are seeking relief by this legislation. I simply want to call your attention to this bill of yours. I believe you ought to have it. I believe these men ought to be compensated, but I want to call your attention to the bill H. R. 13091, reported by Mr. GARLAND from the Committee on Mines and Mining, that provides relief for the mining interests of the United States that expended their money and their time in the same way that these shipping contractors expended theirs; and when you vote for this legislation, which I believe you will, I do not want you to forget that there are other interests in the same position in this country and that require relief and consideration, merely from the fact that they happen to be in the interior and not upon the waterways where the ship industry is located.

And I ask unanimous consent, in this connection, that I may insert in the RECORD a copy of the bill H. R. 13091, which involves the same principle—the general provisions. It simply authorizes these people to go into the Court of Claims, as you are authorizing in this bill, to the end that they may have the right to adjudicate it by the court, and no man can object to a man appearing in our courts to have his case adjudicated.

The CHAIRMAN. The time of the gentleman has expired. The gentleman from California asks unanimous consent to insert certain printed matter in the RECORD. Is there objection? [After a pause.] The Chair hears none.

Mr. RAKER. The following is the bill to which I have referred:

A bill (H. R. 13091) to provide further for the relief of war minerals producers, and to amend an act entitled "An act to provide relief in cases of contracts connected with the prosecution of the war, and for other purposes," approved March 2, 1919.

Be it enacted, etc., That the second paragraph of section 5 of the act entitled "An act to provide relief in cases of contracts," connected with the prosecution of the war, and for other purposes," approved March 2, 1919, is hereby amended by striking out the words "that the decision of said Secretary shall be conclusive and final, subject to the limitations hereinafter provided" and the semicolon following such words.

The fourth paragraph of such section is hereby amended by inserting after the words "That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States" a comma, and the following words: "except as provided in section 6."

SEC. 2. That such act of March 2, 1919, is hereby further amended by adding at the end thereof a new section to read as follows:

"SEC. 6. (a) That any claimant who has filed a claim under section 5 within three months after March 2, 1919, whose claim has been rejected, or who is not satisfied with the decision, adjustment, liquidation, or payment of net losses by the Secretary of the Interior under such section, may file a petition in the Court of Claims for the final determination of such losses. If before this section takes effect the Secretary has made a final decision of such claim, the petition must be filed within 90 days after this section takes effect; and in all other cases within 90 days after such final decision is made.

"(b) The Court of Claims is hereby given jurisdiction to hear such claims de novo and to render judgment in accordance with section 5 for such amount as it finds to be justly and equitably due to the claimant in adjustment, liquidation, or payment of such losses.

"(c) Any payments made to the claimant under section 5 shall be certified by the Secretary of the Interior to the Court of Claims, and after judgment has been rendered by the court no further payments shall be made under section 5 unless in conformity with such judgment.

"(d) The receipt of any amount, or the giving of any acquittance or release, by the claimant under section 5 shall not be a bar to the remedy provided for by this section; but if any amount has been awarded and paid under section 5, the petition may not be considered until the petitioner executes a bond in an amount and with sureties satisfactory to the chief clerk of the Court of Claims, conditioned that if the court finds that a less amount is due than has been awarded by the Secretary of the Interior, the claimant will forthwith pay to the United States so much of the amount received under section 5 as is in excess of the amount found due by the court. Any amount thus paid to the United States shall be credited to the funds available for the paying of awards under section 5 and of judgments under this section.

"(e) Upon the filing of a petition in the Court of Claims under this section, the Secretary of the Interior shall forthwith certify to the court all the testimony taken in the case and all documentary evidence introduced or considered by the Secretary or any commission appointed by his authority, and such testimony and evidence shall be used and considered by the court upon the hearing and trial of the claim, and shall be given such weight as the court may determine.

"(f) Each judgment rendered by the Court of Claims under this section shall be certified by the chief clerk of the court to the Secretary of the Treasury, who is hereby authorized and directed to pay to the claimant the amount of such judgment, out of the revolving fund created by section 6 of the act entitled 'An act to provide further for the national security and defense by encouraging the production, conserving the supply, and controlling the distribution of those ores, metals, and minerals which have formerly been largely imported, or of which there is or may be an inadequate supply,' approved October 5, 1918, which fund shall remain available for such purpose until all such judgments have been paid: *Provided*, That when the amount of such judgments so paid, plus the payments made to claimants and the expenses of administration under section 5 of this act (after allowance for amounts repaid to the United States under subdivision (d) of this section), reach the sum of \$8,500,000 no further payments from such revolving fund shall be made by the Secretary of the Treasury under this section, or by the Secretary of the Interior under section 5."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee [Mr. DAVIS].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. DAVIS of Tennessee. Division, Mr. Chairman.

The committee divided; and there were—ayes 60, yeas 5.

So the amendment was agreed to.

Mr. DAVIS of Tennessee. Mr. Chairman, I offer another amendment.

The CHAIRMAN. The gentleman from Tennessee offers a further amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 4, line 25, after the word "claim," insert "as to which the claimant may be entitled to an award under the provisions of this act."

Mr. DAVIS of Tennessee. Mr. Chairman, I wish to direct the attention of the members of the committee to this: When I offered the first amendment to strike out the words "and directed" other members of this committee referred to this language, which went on later to state "and said board shall adjust and liquidate each claim upon such terms as it shall determine from the facts in the case to be just and equitable." But I wish to call attention to the further fact that this language, beginning in line 25, page 4, states that "said board shall adjust and liquidate each claim."

Mr. CHINDBLOM. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. CHINDBLOM. Let us be fair. The bill provides, "Said board shall then liquidate such claim upon such terms as they shall determine." It does not mean that they must liquidate the claims. It must be done on such terms as the board shall determine. Is not that a fair construction?

Mr. DAVIS of Tennessee. I do not think so. That is a difference of opinion between the gentleman from Illinois and myself. I think the language in a statute must be literally construed. It reads "shall \* \* \* liquidate each claim." It means liquidate, if it means what it says.

Mr. CHINDBLOM. Does the gentleman think it fair to take half a dozen words out of a sentence and conclude from those



half a dozen words what the whole thing means, or is it not fair to take the whole language?

Mr. DAVIS of Tennessee. Well, that is a meaningless question. I want to ask the gentleman if he has any objection to its being specifically shown that the intention is as you say it is, which I say is not true? What is the objection? Why can anybody object to this amendment? It will certainly clarify the situation and show that it is not the intention of the Congress to pay a claim unless it is one which should be allowed under the provisions of this act.

Mr. HARDY of Texas. Mr. Chairman, will the gentleman yield for a question right there?

Mr. DAVIS of Tennessee. Yes; I yield.

Mr. HARDY of Texas. Does the gentleman understand that in legal parlance a claim means a contention, or does a claim mean some right? In legal construction the very word "claim" does not mean anything that a man claims, but it means a right, an account, a just claim. When you say they shall settle a claim you do not mean that they are to settle each party's contention. The very language there conveys the idea that a man must have a claim before it is settled, not that a man may make a claim, but that he must have one.

Mr. DAVIS of Tennessee. It does not say, "investigate," but it says "adjust, settle, and liquidate." That assumes that he is entitled to something under his claim, and all that is to be determined by the board is the amount that is due on the claim.

Mr. HARDY of Texas. The amount that the claimant says is due—that would be the claim under your contention.

Mr. DAVIS of Tennessee. Oh, no.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. LEHLBACH. Does the gentleman from Tennessee contend that the language used in lines 19, 20, and 21 of page 4, "that the United States Shipping Board be, and it is hereby, authorized and directed to investigate, adjust, liquidate, and pay the claims of individuals," and so forth, means that every claim must be paid?

Mr. DAVIS of Tennessee. I think so, as I have previously stated.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. DAVIS].

The question was taken, and the amendment was rejected.

Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee rise and report the bill to the House.

Mr. DAVIS of Tennessee. Mr. Chairman, I have another amendment that I desire to offer.

The CHAIRMAN. The gentleman from Tennessee offers an amendment, which the Clerk will report.

Mr. TINCHER. Mr. Chairman, I have an amendment at the desk. Am I recognized?

The CHAIRMAN. The gentleman has not been recognized for the purpose of offering an amendment. The Clerk will report the amendment offered by the gentleman from Tennessee [Mr. DAVIS].

The Clerk read as follows:

Amendment offered by Mr. DAVIS of Tennessee: Page 8, line 3, after the word "plant," strike out the period and insert "," whenever the board shall be of opinion that the claimant is entitled to be compensated in whole or in part for such shipbuilding plant, machinery, appliances, or material."

Mr. DAVIS of Tennessee. Mr. Chairman, the reason for offering this amendment is this: Section 3 as it now reads assumes that every shipbuilding yard and the machinery and buildings and material will be paid for under this act in every instance when claim is made therefor. Now, while it is authorized, I think it will undoubtedly result, as members of the committee will probably concede, that there will probably be some claims in which they are not entitled to recover for those specified items, even under the extraordinary provisions of this bill, and this amendment simply limits the provisions as they now exist so as to apply them whenever the board shall be of the opinion that the claimant is entitled to be compensated, in whole or in part, for such shipbuilding plant, appliances, or material.

Mr. EDMONDS. Mr. Chairman, will the gentleman yield?

Mr. DAVIS of Tennessee. Yes.

Mr. EDMONDS. Does not this section just say that the board shall take into consideration those appliances, not that they shall allow for them positively but that they shall take them into consideration?

Mr. DAVIS of Tennessee. It says that "they shall, among other things, take them into consideration."

Mr. EDMONDS. It is a matter for them to determine what is the right thing to take into consideration and what is not the right thing to take into consideration. They can determine that for themselves.

Mr. DAVIS of Tennessee. Under other circumstances I think the contention of the gentleman from Pennsylvania [Mr. EDMONDS] would be entirely correct, but when it says they shall take it into consideration I think it should be modified by the language that I have offered in my amendment, and it certainly can do no harm.

Mr. LEHLBACH. Mr. Chairman, will the gentleman yield? The CHAIRMAN. Does the gentleman from Tennessee yield to the gentleman from New Jersey?

Mr. DAVIS of Tennessee. Yes.

Mr. LEHLBACH. Is not this a direction that they shall take into consideration and charge a set-off in favor of the Government?

Mr. DAVIS of Tennessee. Yes.

Mr. LEHLBACH. Why should there not be a set-off of the material as against the claim?

Mr. DAVIS of Tennessee. This authorizes the Government to pay, say, \$300,000 for an old shipbuilding plant, and they shall give the claimant credit for the actual value of the salvage, which may be \$25,000 or \$30,000, and I do not think they ought to be specifically instructed to pay for those things under all circumstances, but only in the case indicated in my amendment.

Mr. LEHLBACH. Only when there is an award in favor of the claimant is it directed that any of the material that the claimant has must be set off against the claim and the Government receive credit for it and deduct it from the amount paid to the claimant. Certainly it should be mandatory in order that the Government may be protected and given the full benefit of the set-off that the Government may have.

Mr. DAVIS of Tennessee. I simply propose in my amendment to limit it to cases where they are entitled to be paid for these properties. Of course, the Government should be given credit for the small salvage value of a plant for which it is to pay full value, but what I am objecting to is the assumption that the Government shall be directed to pay for such plants, except in the instances described in my proposed amendment.

Mr. HARDY of Texas. Mr. Chairman, I simply wish to say that the gentleman [Mr. LEHLBACH] who propounded the question a moment ago to the gentleman from Tennessee has presented the real issue, and I think the gentleman from Tennessee [Mr. DAVIS] must be laboring under some erroneous impression, because this section 3 is only a proviso to the effect that where the board is awarding a sum to somebody upon a claim under this bill they shall deduct from any allowances they may make the value of the shipyard that he holds back or has left on hand and also the value of machinery and material on hand as an offset. I can not see how anybody could fail to see that clearly, and I can not see how it could be made more clear than it is made in the bill.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Tennessee [Mr. DAVIS].

The question was taken, and the amendment was rejected.

Mr. TINCHER. Mr. Chairman, I offer an amendment, which I send to the Clerk's desk.

The CHAIRMAN. The gentleman from Kansas offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. TINCHER: Page 8, line 3, after the word "plant," insert a new section, to be known as section 5:

"That the Secretary of Agriculture be, and he is hereby, authorized and directed to investigate, determine, and pay the amount of the actual loss sustained by any person, firm, association, or corporation that owned actual wheat of the 1917 crop."

Mr. BANKHEAD. Mr. Chairman, a point of order. The amendment has been read far enough to show that it is patently subject to a point of order.

Mr. TINCHER. I want to have the amendment read.

The CHAIRMAN. Without objection, the amendment will be read.

Mr. GARNER. What is the use of having the amendment read if some gentleman is going to make the point of order against it, and it has already been read sufficiently to show that it is subject to a point of order?

Mr. TINCHER. My idea—

The CHAIRMAN. One moment. Does the gentleman desire to discuss the point of order?

Mr. TINCHER. I do; and I desire to have the amendment read, for fear that if the Chair should make an erroneous ruling on the point of order Members will not know what they are voting on if I should appeal from the decision of the Chair.

The CHAIRMAN. The gentleman asks unanimous consent that his amendment be read. Is there objection?

Several Members objected.

The CHAIRMAN. Objection is made. The gentleman will proceed.

Mr. BLACK. I make the point of order that the gentleman has a right to have his amendment read.

Mr. BLANTON. Of course he has.

The CHAIRMAN. The point of order of the gentleman from Texas is overruled. The gentleman from Kansas [Mr. TINCER] will proceed to discuss the point of order.

Mr. BLANTON. This is in behalf of the farmers.

Mr. TINCER. Mr. Chairman, I propose to discuss this point of order. The chairman of the Committee on the Merchant Marine and Fisheries and numerous other members of that committee have explained in this House this afternoon at least half a dozen times that the object of this legislation is to permit the United States Government to settle a moral obligation that it owes to certain contractors and people who built ships, contemplating selling them to the Government, but who did not have any legal right to collect.

Mr. BLANTON. Who had been seduced by the Shipping Board.

Mr. TINCER. Who, as has been suggested to me, were in a way influenced to build these plants.

Mr. HARDY of Texas. I will say that the committee has never—

Mr. TINCER. I decline to yield. I have offered an amendment that is germane to a bill of this kind and character, and for the purpose of fully informing the Chair of the contents of the amendment I will read it. It is offered as section 5 of this bill.

Mr. BANKHEAD. Mr. Chairman, I make a point of order.

Mr. TINCER. I do not yield.

Mr. BANKHEAD. The gentleman does not have to yield. I make a point of order.

The CHAIRMAN. The gentleman from Alabama makes a point of order, which he will state.

Mr. BANKHEAD. The gentleman can not do indirectly what he can not do directly.

The CHAIRMAN. The point of order is sustained. The gentleman will proceed in order.

Mr. TINCER. As I understand my position in this matter, I have offered an amendment. A point of order has been made to the amendment. The Chair has sustained it, and I can not read my amendment so as to show the Chair wherein he is in error in his ruling. I want to say to the chairman that this bill has for its purpose—

Mr. GARNER. Will the gentleman yield?

Mr. TINCER. This bill has for its purpose the settlement of legitimate moral obligations of the Government.

The CHAIRMAN. Does the gentleman from Kansas yield to the gentleman from Texas?

Mr. TINCER. No; I decline to yield.

Mr. BLANTON. Will the gentleman yield to me for just a moment?

Mr. TINCER. I would not want to discriminate between two gentlemen from Texas. I can not yield.

Mr. BLANTON. I have a question that I wish to ask the gentleman.

Mr. TINCER. I have not yielded.

The CHAIRMAN. The gentleman declines to yield.

Mr. TINCER. I want to say that the amendment is germane to the bill, in that it proposes to pay to a certain portion of the patriotic population of America 60 cents a bushel on every bushel of wheat which was confiscated by the Government by law, and we are not asking in this amendment to have the Government pay for anything that it did not receive full value for. We are not asking the Government to settle some imaginary claim, but asking it to pay a legitimate charge against the Treasury of this Government.

Mr. BANKHEAD. Mr. Chairman, I make the point of order that the gentleman ought to discuss the point of order, and I think it is the duty of the Chair to see that he does.

Mr. BLANTON. He is discussing it very fluently. [Laughter.]

The CHAIRMAN. The Chair is ready to rule.

Mr. TINCER. This is my first term in Congress, and I may not be up on the rules as much as the gentleman is.

Mr. GARNER. Will the gentleman yield?

Mr. TINCER. Yes.

Mr. GARNER. Let me suggest to my friend from Kansas that in order to facilitate—

The CHAIRMAN. The Chair is ready to rule.

Mr. GARNER. Let me suggest to the gentleman from Kansas that in order to facilitate the matter he get unanimous consent to extend his remarks in the RECORD and insert his bill and let us go on with business.

Mr. TINCER. No; I never have extended my remarks in the RECORD. I have always spoken what was printed in the RECORD as coming from me.

The CHAIRMAN. The Chair is ready to rule. This is a bill authorizing and directing the United States Shipping Board to adjust and pay the claims of wooden-ship builders arising out of the prosecution of the war, and for other purposes.

Mr. TINCER. I understand that.

The CHAIRMAN. The gentleman from Kansas has offered an amendment providing for the liquidation of the claims of wheat growers. This amendment is not germane to the bill before the committee, and the Chair, therefore, sustains the point of order made by the gentleman from Alabama [Mr. BANKHEAD].

Mr. WILLIAMS. Mr. Chairman, I have an amendment which I have sent to the Clerk's desk.

The CHAIRMAN. The Clerk will report.

The Clerk read as follows:

Page 8, line 4, after section 3, add the following, to be designated as section 4:

"Title 1, general provisions, definitions, section 1. This section may be cited as the World War adjusted compensation act."

Mr. BANKHEAD. Mr. Chairman, I make the point of order that that amendment is not germane.

Mr. BLANTON. Mr. Chairman, I desire to be heard on the point of order.

The CHAIRMAN. What is the gentleman's point of order?

Mr. BANKHEAD. I make the point of order that the amendment is not germane to the bill.

Mr. WILLIAMS. Mr. Chairman, it seems to me that there has not been a sufficient portion of the amendment read for the Chair to intelligently pass upon whether it is germane to the legislation or not.

Mr. BLANTON. Will the gentleman yield?

Mr. WILLIAMS. I do not. The amendment I offer is what is known as the Fordney soldiers' bonus bill for adjusted compensation. The bill we are considering here to-day is a bill for adjusted compensation for shipbuilding contractors. The only difference is that by the amendment I offer we are adjusting the compensation of a class of people in this country that the Government of the United States really owes something to, and it will improve the bill. [Applause.] The amendment is germane to the bill; this seems to be elementary. [Laughter.] It seems to me that Congress is ready to go out of its way to hunt up people and inquire if the Government does not owe them something. We are legislating for the payment of all kinds of claims, many of which in my judgment are questionable. We are now told in the closing hours of this session that the solid Democratic minority on that side and 35 or 40 Republicans on this side have joined to defeat all bonus legislation. [Cries of "Rule!" "Rule!"]

The CHAIRMAN. The Chair is ready to rule. It is quite obvious that the amendment offered by the gentleman from Illinois is not in order and the Chair sustains the point of order made by the gentleman from Alabama [Mr. BANKHEAD].

Mr. JONES of Texas. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Page 5, line 8, after the word "upon" strike out the words "a request or demand," and insert in lieu thereof the following: "an express or implied contract."

Mr. BENSON. I make the point of order on that that we have passed that provision.

The CHAIRMAN. The point of order is overruled because this is being considered as one amendment.

Mr. CHINDBLOM. I make the point of order, Mr. Chairman, that we have voted on the same proposition. This is the third time that it is sought to insert "contracts express or implied."

Mr. JONES of Texas. Mr. Chairman, the provision of the amendment offered by my colleague did not strike out the words request or demand, and therefore left an entirely different meaning to the language. The amendment that my colleague offered said "express or implied," but left in the bill the words request or demand, so that under its terms you could have adjusted compensation not only on an express or implied contract but on a request or demand. Now, I move to strike out the words request or demand and limit it entirely to contracts express or implied.

The CHAIRMAN. The Chair is ready to rule. In reference to the point of order, in order to come within the objection contemplated by the rule that the amendment has been offered heretofore, the amendments must be identical. This is not identical with the former amendment, and therefore the point of order raised by the gentleman from Illinois [Mr. CHINDBLOM] is overruled.

Mr. JONES of Texas. Mr. Chairman, I want to say this: Under the terms of this bill as written, if the Government simply made a request for a wooden ship and a man went ahead



and built the ship, he is entitled to compensation, regardless of whether there was anything in the nature of a contract. I live in a wheat section. There were thousands of bushels of wheat last year that rotted on the ground because there was no way to move the wheat to market. The Government requested the people to plant and grow wheat. They doubled their acreage, and the yield was far beyond the granary facilities. If it is right on a request to build a wooden ship, to compensate the builder in the absence of any contract expressed or implied, it is right for people in my district, where the wheat rotted on the ground, to come in and claim compensation because the Government requested them to plant wheat, which wheat rotted because of lack of a market due to a car shortage.

Mr. CHINDBLOM. Will the gentleman yield?

Mr. JONES of Texas. Yes.

Mr. CHINDBLOM. Has the gentleman observed that it is not the request or demand of the Government generally?

Mr. JONES of Texas. That is what I am complaining about. You are favoring the ship-building people and are not favoring the man who produced.

Mr. CHINDBLOM. But the gentleman will observe that this demand must be made by the Shipping Board, or some one authorized to speak for the Shipping Board.

Mr. JONES of Texas. Well, high officials fully authorized requested us to plant wheat in this country, and the Congress of the United States passed a law guaranteeing them returns on the wheat, and yet those people could not get the return for their wheat, because there were not transportation facilities to get it to market. They sold wheat in my section for \$1.25 per bushel, because there was no market for it. How are you going to justify paying the man because the Shipping Board requested him to build a wooden ship and not compensate the wheat grower when the United States through its officials made the same request on him? I say that the bill should be killed, because if you are going to pay people all over the country because the Government requested them to do a certain thing you should pay them all, and if you did that you would have enough claims to bankrupt this, the richest and finest Government that was ever fashioned by human intelligence. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. JONES].

The question was taken, and the amendment was rejected.

Mr. EVANS of Nebraska. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Strike out section 1 of the committee amendment.

Mr. EVANS of Nebraska. Mr. Chairman and gentlemen of the committee, I am against this bill. [Applause.] I am against it because it is wrong in principle and because it is wrong in form. I wish to call your attention to the fact that you can not by reading this bill tell upon what state of facts any claimant's claim will be based. There is absolutely nothing in the bill that indicates upon what ground any claimant shall recover from the Government.

The only thing which indicates in the bill from beginning to end upon what there is a right to recover is in the last section, which limits somewhat the claim. The next thing that is the matter with it is that the board that shall conduct the operations out of which the alleged claims are to come is the very agency which suggests the preparation and presentation of this bill. The Government has no right of appeal, but they do camouflage the matter, as will be seen if you will turn to page 6 of the bill, line 17, where they pretend to say that they have given the Government a right to appeal from a recovery. Lines 16, 17, 18, 19, 20, and 21, page 6, down to the word "settlement," and including it, permit an investigation, but it is by bodies or agencies which could not possibly secure a return to the Government of anything unlawfully taken. From line 21, including the word "nor" to the word "fact," in line 1, on page 7, you find the opportunity granted to the board, which wishes this act passed, to institute a suit to recover in case of fraud or mistakes, and for no other reason. You have already amended your bill to permit the same board to select the attorney to represent the Government.

Mr. ROWE. Mr. Chairman, in opposition to the amendment I desire to say that if adopted it would destroy the bill. Certainly this House wants to be fair to the men who built the wooden ships. The committee voted 20 to 1 to report this bill in its present form. The gentleman from Nebraska is absolutely against paying these claims. Very many of them were constructed under contract—most of them were. The builders acted in the interest of the Nation. They believed, and the Shipping Board believed, that we must build wooden ships, steel ships, and every kind of ship to carry our goods and sol-

diers to the other side. I hope the amendment will be defeated.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska.

The question was taken; and on a division (demanded by Mr. EVANS of Nebraska) there were—ayes 35, noes 66.

So the amendment was rejected.

Mr. BLANTON. Mr. Chairman, I offer the following amendment, which I send to the desk and ask to have read.

The Clerk read as follows:

Amendment offered by Mr. BLANTON: Page 8, line 3, after the word "plant," insert the following proviso, to wit: "Provided further, That should the Shipping Board find in the United States anybody else other than farmers and soldiers who want some of the public money, to hand out to them all they want."

Mr. BANKHEAD. Mr. Chairman, I make the point of order that the amendment is not germane.

The CHAIRMAN. The point of order is sustained.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out sections 2 and 3 of the Senate bill.

The CHAIRMAN. The first question is on the adoption of the committee amendment as amended in Committee of the Whole.

The committee amendment was agreed to.

The CHAIRMAN. The question is on the motion of the gentleman from Massachusetts to strike out sections 2 and 3 of the Senate amendment.

Mr. EDMONDS. Mr. Chairman, I ask unanimous consent that the Clerk renumber the sections.

The CHAIRMAN. The Clerk has that right anyway.

Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee do now rise and report the bill as amended—

The CHAIRMAN. The gentleman asks unanimous consent to strike out sections 2 and 3 of the Senate bill. Is there objection?

Mr. WINGO. Mr. Chairman, reserving the right to object, I thought I heard the Chair just now state that the question was to be taken upon adopting the amendments agreed to in Committee of the Whole House.

The CHAIRMAN. The question was on adopting the committee amendment as amended in Committee of the Whole House.

Mr. WINGO. The amendments of the Committee of the Whole House? What does the Chair mean by that? Of course, the Chair did not intend that.

The CHAIRMAN. The committee amendment had to be agreed to by formal motion inasmuch as the entire bill was stricken out.

Mr. WINGO. Mr. Chairman, is the committee amendment one amendment as reported by the Committee on the Merchant Marine and Fisheries?

The CHAIRMAN. Yes.

Mr. HARDY of Texas. Mr. Chairman, I am not a parliamentarian, but as I understand the status of the matter, in the beginning the gentleman from Massachusetts [Mr. GREENE] made the motion to strike out all of the Senate bill after the enacting clause and substitute the House bill as one amendment. That motion has been pending while we have been perfecting that amendment. The gentleman from Massachusetts now calls up his original motion and it has been put and adopted, as I understand. I think that the motion of the gentleman to rise and report the bill as amended is in order.

Mr. MONTAGUE. Mr. Chairman, may I suggest that the appropriate motion is to report the Senate bill as amended?

Mr. WALSH. But we have not got to the point of reporting it as yet.

Mr. TILSON. Mr. Chairman, to clear this matter up, there is but one amendment pending. That amendment has been amended in a number of places. As it stands now there is but one amendment pending, although it has been patched considerably. That ought to be adopted.

The CHAIRMAN. That has been agreed to.

Mr. TILSON. Then there is nothing left but to strike out the sections which the gentleman from Massachusetts gave notice that he would move to strike out.

Mr. GREENE of Massachusetts. I move to strike out sections 2 and 3 of the Senate bill.

Mr. WALSH. Mr. Chairman, section 2 of the Senate bill ought to be read, and then the motion of the gentleman from Massachusetts to strike out ought to be put and voted on.

Mr. GREENE of Massachusetts. It has been read.

The CHAIRMAN. Is there objection?

Mr. SABATH. What is the request?

The CHAIRMAN. The gentleman from Massachusetts asks unanimous consent to strike out sections 2 and 3 of the bill as reported from the Senate. Is there objection?

Mr. SABATH. Mr. Chairman, I object.

Mr. WINGO. Mr. Chairman, I make a point of order on that—

Mr. HARDY of Texas. Mr. Chairman, a point of order. I think a recurrence to the Clerk's notes will show that the gentleman from Massachusetts [Mr. GREENE] had moved to amend section 1 of the Senate bill, and later on made the motion in this form, to strike out all after the enacting clause of the Senate bill and insert in lieu thereof the House bill.

Mr. WALSH. If that motion was made it was not in order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

SEC. 2. That a report of all operations under this section, including receipts and disbursements, shall be made to Congress on or before the first Monday in December of each year: *Provided*, That in the event any claimant shall be dissatisfied with any allowance or award made by said board pursuant hereto, such claimant may appeal therefrom with respect thereto to the Court of Claims, which is hereby given jurisdiction to make such allowances and awards, in the case of such appeals, as it may deem just and equitable.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out the section.

Mr. GARNER. Mr. Chairman, just one word concerning this amendment, or policy, rather, that the House and Senate have gotten into in reference to passing bills of this character. Now, we strike out all after the enacting clause and substitute what is known as the House bill and ask for a conference. Then the gentlemen will come into the House and ask unanimous consent to send this bill to conference, and under the rules governing the House and under the rules governing the Senate we delegate to the conferees the right to make law. They can put anything on earth that is germane to this bill on the conference report and no one can get up on the floor of the House and exercise the right to make a point of order against it, whereas if we had amended the Senate bill as we ought to have done instead of striking out all after the enacting clause, and if we had put in the proper amendments, it could have gone to conference and the conferees would have been limited to the substantial differences between the two Houses. But in going to conference on this bill now under present conditions they will have absolutely plenary power to write the law which we will have to vote up or down, and anything germane to the House bill or Senate bill will be in order. It is a bad way to legislate. The Senate also has gotten into the habit of striking out all after the enacting clause of the House bill and inserting the Senate bill, thereby delegating to the conferees of the two Houses power to make law, which ought not to be done.

Mr. GREENE of Massachusetts. Mr. Chairman, I desire to say, as the chairman of a committee representing the House, I try not to do anything unfair, whether we get any legislation or not.

The CHAIRMAN. The question is on striking out the section.

The question was taken, and the motion was agreed to.

Mr. GREENE of Massachusetts. I ask that section 3 be read.

The Clerk read as follows:

SEC. 3. That nothing in this section shall be construed to confer jurisdiction upon any court to entertain a suit against the United States: *Provided*, That in determining the net losses of any claimant the Shipping Board shall, among other things, take into consideration and charge to the claimant the then market value of any such plants or the lumber or materials on hand belonging to the claimant and acquired to be used in the construction of any wooden-ship building plant, and also the salvage or usable value of any machinery or other appliances which may be claimed was purchased to equip any wooden-ship building plant, for the purpose of complying with the request or demand of the agencies of the Government above mentioned in the manner aforesaid: *Provided further*, That nothing in this act shall be held or construed to delay or excuse prompt settlement of any claims that can be settled under existing law.

Mr. GREENE of Massachusetts. Mr. Chairman, I move to strike out section 3.

Mr. SABATH. Mr. Chairman, I desire to be heard on that motion.

The CHAIRMAN. The Chair will recognize the gentleman from Illinois.

Mr. SABATH. Mr. Chairman, several times this afternoon during debate it has been stated that up to the time the Hon. John Barton Payne was made the head of the United States Shipping Board a large number of these claims had been settled, but upon his request the proposed legislation has been sought because he has refused to sanction the further settlement of the claims submitted on the part of the wooden-ship builders. I have the honor and pleasure of knowing John Barton Payne for upward of 25 years. I know him to be a fair, honest, and liberal man, and I am satisfied that if he has refused to settle these claims he had a good and valid reason for doing so. [Applause.]

Mr. WALSH. Will the gentleman yield?

Mr. SABATH. And it is for that reason I am opposed to this legislation, for I am satisfied that if there had been any merit

or justification in making allowance he would have gladly followed the footsteps of his predecessors.

Mr. HARDY of Texas. Will the gentleman yield?

Mr. SABATH. I have not the time; if the gentleman will give me five minutes more time I will yield to all. You gentlemen on this side—the Republican side—have for months been preaching and advocating economy, economy, objecting to needed appropriations that meant the expenditure of only a few thousand dollars, and here, without any justification, you are bringing in a bill which means the expenditure of over \$25,000,000.

Mr. BLANTON. Maybe \$50,000,000.

Mr. SABATH. Yes; it may be even \$50,000,000; the committee has admitted it may reach the sum of \$25,000,000, and still I find only one or two Members on the Republican side who are opposed to this measure authorizing an outlay of millions of dollars. True, the gentleman from Kansas [Mr. CAMPBELL] has made a speech against the bill, but the moment he delivered himself of his usual charge he left the floor and is not here now to aid in the defeat of the bill or to make good his statement charging that 49 Republicans and all of the Democrats were responsible for the delay in bringing forth the bonus bill. I do not know whether there are only 49 or 109 Republicans opposed to the bonus bill, but I do know that his statement that all the Democrats are against the bill is untrue, and I venture to say there are as many Republicans opposed to the bill as Democrats. If opportunity is given the membership of this House to vote on the question, I am satisfied it will be clearly shown that the accusation of the gentleman from Kansas [Mr. CAMPBELL] against the Democratic side is unjustifiable, unfair, unwarrantable, and untrue. He is chairman of the Rules Committee, the majority of which are Republicans, and, if not mistaken, he also controls the steering committee of his party. If they are on the square and desirous of enacting bonus legislation, they can do so. They are absolutely in control, constituting a majority of the Rules Committee and having a majority of over 40 in the House membership. Consequently it comes with poor grace to try to befog the real conditions surrounding their so-called sincere consideration of the bonus proposition and their attempt to blame the Democratic side for their own inaction these many months and their failure to report the bill. But let me go back to this contractors' or shipbuilders' \$25,000,000 bill.

It is remarkable what strenuous efforts are being made to relieve these 40 or 50 "poor," "unfortunate," and "patriotic" shipbuilding corporations. It is my opinion that if only half as hard an effort had been made for the consideration of the bonus legislation on the part of the Republican leaders, this long-promised and deserved legislation in behalf of the 4,000,000 men who served the country in its hour of need could now be in force. For some reason special industries can at all times secure your ear and your aid, but it is always impossible for you to act on any legislation in the interest of the people.

The baseless insinuation of the gentleman from Kansas [Mr. CAMPBELL] that the Democrats are responsible for the delay in the consideration of the bonus legislation will not fool the 4,000,000 deserving World War veterans. They will know whom to hold accountable if action is not taken. I know a majority of the Democrats are ready and have been waiting many weeks for an opportunity to vote for a war bonus for the soldiers, for a bill that is not a sham, for one that will actually show the Nation's appreciation of their services. During the consideration of this bill I have anxiously waited to note what explanation or what position the Republican leaders, who day in and day out have preached economy, pointing out how many hundreds and thousands of dollars they have saved the Nation, would take on this measure, which means a reward of from \$25,000,000 to \$50,000,000 to these great "patriotic" wooden-ship building corporations; and, though we are about to take a vote, not a single one of these leaders, with the exception of the gentleman from Kansas [Mr. CAMPBELL], had a word to say in opposition to this uncalculated and, to my mind, outrageous piece of legislation. Now, I want to know if you are ready to legislate and vote for this bill, when will you be ready to bring in the bonus bill—

Mr. BARKLEY. Mr. Chairman, I desire to say that the gentleman is not discussing the amendment.

Mr. SABATH. I am discussing something in which 4,000,000 of our best and bravest are interested.

The CHAIRMAN. The point of order is sustained. The time of the gentleman has expired.

The question is on the motion of the gentleman from Massachusetts to strike out the section.

The question was taken, and the motion was agreed to.



Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee do now rise and report the bill with amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. McARTHUR, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee having had under consideration the bill S. 3451 had directed him to report the same back with an amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

Mr. GREENE of Massachusetts. Mr. Speaker, I move the previous question on the bill and amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on the amendment.

The question was taken, and the Speaker announced the ayes seemed to have it.

Mr. RAKER. Mr. Speaker, division.

The SPEAKER. The gentleman from California demands a division.

The House divided; and there were—ayes 87, noes 19.

Mr. RAKER. Mr. Speaker, I make the point of order that there is no quorum present.

Mr. SABATH. Mr. Speaker, I make the point of order that there is no quorum present.

The SPEAKER. Would the gentleman rather have it on the vote?

Mr. RAKER. I would rather have it on the amendment; and I make the point of order that there is no quorum present.

The SPEAKER. The gentleman from California makes the point of order that there is no quorum present. The Chair will count.

Mr. WALSH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. WALSH. If the Chair should declare that no quorum is present, will there be an automatic roll call or will it be necessary for a call of the House to be ordered?

The SPEAKER. It will be necessary to move a call of the House.

Mr. RAKER. Mr. Speaker, we have had a division.

Mr. BANKHEAD. We must first dispose of the constitutional provision.

Mr. RAKER. Mr. Speaker, division has been had, and we have had a vote.

The SPEAKER. The Chair did not declare the result.

Mr. RAKER. Mr. Speaker, a point of order.

Mr. WALSH. Mr. Speaker, another point of order is not in order while the Chair is ascertaining the count.

The SPEAKER. If the gentleman from California will withdraw his point of no quorum temporarily, he can make the point of order later.

Mr. RAKER. I withdraw it temporarily. There is a division, and if there is a point that no quorum is present, do we not have automatically a yea-and-nay vote on the amendment?

The SPEAKER. As long as a division is pending. This was made after a division had been announced.

Mr. RAKER. I was on my feet and made the point of no quorum.

The SPEAKER. If the gentleman says he intended to do it—

Mr. RAKER. I was on my feet and was waiting for the purpose of getting a roll call on the amendment.

The SPEAKER. If the gentleman states that, he has the right—

Mr. RAKER. I made the point of no quorum so as to get a roll call on the amendment.

Mr. WALSH. Mr. Speaker, I make the point of order that, the gentleman having withdrawn his point of order of no quorum, even though temporarily, on the suggestion of the Chair, the House is not now dividing and there will not be an automatic roll call. [Applause.]

The SPEAKER. That is rather embarrassing to the Chair. The Chair did not mean to lead the gentleman into that. However, the Chair overrules the point of order of the gentleman from Massachusetts, and holds that there comes an automatic roll call upon the amendment. There is no quorum present. The Doorkeeper will close the doors, and the Sergeant at Arms will notify the absentees. Those who are in favor of the amendment will, as their names are called, answer "yea" and those opposed will answer "nay," and the Clerk will call the roll.

The roll was called; and there were—yeas 140, nays 178, answered "present" 1, not voting 108, as follows:

## YEAS—140.

Andrews, Md.	Esch	McArthur	Rayburn
Andrews, Nebr.	Evans, Mont.	McDuffie	Ricketts
Aswell	Fess	McGlennon	Rose
Bacharach	Focht	McKinley	Rouse
Bankhead	Fordney	McLane	Rowe
Barkley	Freeman	McLaughlin, Mich.	Sanders, La.
Bee	Godwin, N. C.	McLaughlin, Nebr.	Siegel
Benson	Goodall	MacCrate	Sinnott
Bland, Ind.	Green, Iowa	Magee	Sisson
Bland, Mo.	Greene, Mass.	Martin	Smith, Idaho
Bland, Va.	Hadley	Mead	Stedman
Box	Hardy, Colo.	Miller	Steele
Briggs	Hardy, Tex.	Minahan, N. J.	Stephens, Miss.
Britten	Harrell	Monahan, Wis.	Stiness
Bttdick	Harrison	Mondell	Strong, Kans.
Burroughs	Hawley	Montague	Strong, Pa.
Butler	Hawsey	Mooney	Summers, Wash.
Campbell, Pa.	Hill	Moore, Ohio	Taylor, Colo.
Candler	Holland	Moore, Ind.	Tilson
Cantrill	Howard	Morgan	Timberlake
Carss	Hudspeth	Mott	Upshaw
Chindblom	Hull, Iowa	Mudd	Vaile
Classon	Humphreys	Nolan	Vare
Cleary	Hutchinson	O'Connell	Venable
Coady	Johnson, Ky.	O'Connor	Ward
Collier	Johnson, Miss.	Olney	Wason
Cullen	Johnson, Wash.	Osborne	Watkins
Darrow	Juul	Peters	Webster
Dewalt	Kelley, Mich.	Pou	Welling
Doremus	King	Radcliffe	White, Me.
Dupré	Lazaro	Rainey, H. T.	Wilson, La.
Egan	Lea, Calif.	Raker	Wilson, Pa.
Eagle	Leibach	Ramsey	Wright
Edmonds	Loneragan	Randall, Calif.	Young, Tex.
Emerson	Lufkin	Randall, Wis.	Zihlman

## NAYS—178.

Ackerman	Dunbar	Knutson	Robinson, N. C.
Almon	Elliott	Kraus	Robson, Ky.
Anderson	Evans, Nebr.	Lampert	Rogers
Anthony	Fairfield	Lanham	Romjue
Ashbrook	Ferris	Layton	Sabath
Ayres	Fields	Little	Sanders, Ind.
Babka	Fisher	Luce	Schall
Baer	Flood	Luhning	Sells
Barbour	Foster	McAndrews	Sherwood
Begg	Frear	McClintic	Sims
Bell	French	McFadden	Sinclair
Benham	Fuller, Ill.	McKenzie	Smith, Mich.
Black	Gallagher	McKeown	Snell
Blackmon	Gallivan	McKinley	Steagall
Blanton	Gandy	MacGregor	Steenerson
Boles	Ganly	Madden	Stephens, Ohio
Bowers	Garner	Major	Stevenson
Brand	Garrett	Mann, S. C.	Summers, Tex.
Brooks, Ill.	Glynn	Mapes	Sweet
Browne	Good	Mason	Swope
Buchanan	Goodwin, Ark.	Michener	Tague
Byrnes, S. C.	Graham, Ill.	Moon	Taylor, Ark.
Byrns, Tenn.	Greene, Vt.	Murphy	Taylor, Tenn.
Campbell, Kans.	Hamilton	Nelson, Mo.	Temple
Cannon	Haugen	Nelson, Wis.	Thomas
Caraway	Hays	Newton, Minn.	Thompson
Christopherson	Heflin	Newton, Mo.	Tincher
Clark, Mo.	Hickey	Ogden	Tinkham
Connally	Hicks	Oldfield	Vinson
Cooper	Hoch	Oliver	Voigt
Copley	Houghton	Overstreet	Volstead
Cramton	Huddleston	Padgett	Walsh
Crisp	Hull, Tenn.	Park	Watson
Currie, Mich.	Husted	Parker	Weaver
Dallinger	James	Parrish	Welty
Davis, Minn.	Jefferis	Pell	Whaley
Davis, Tenn.	Johnson, S. Dak.	Phelan	Wheeler
Dempsey	Jones, Tex.	Purnell	White, Kans.
Denson	Kearns	Quin	Williams
Dent	Keller	Rainey, Ala.	Wilson, Ill.
Dickinson, Mo.	Kelly, Pa.	Rainey, J. W.	Wingo
Dickinson, Iowa	Kennedy, Iowa	Ramsayer	Wise
Domineck	Kincheloe	Reed, N. Y.	Wood, Ind.
Doughton	Kinkaid	Reed, W. Va.	
Dowell	Klecza	Riordan	

## ANSWERED "PRESENT"—1.

Langley.

## NOT VOTING—108.

Booher	Ellsworth	Kahn	Nicholls
Brinson	Elston	Kendall	Paige
Brooks, Pa.	Evans, Nev.	Kennedy, R. I.	Platt
Brumbaugh	Fuller, Mass.	Kettner	Porter
Burke	Gard	Kless	Reavis
Caldwell	Garland	Kitchin	Reber
Carew	Goldfogle	Kreider	Rhodes
Carter	Goodykoontz	Lankford	Riddick
Casey	Gould	Larsen	Rodenberg
Clark, Fla.	Graham, Pa.	Lee, Ga.	Rowan
Cole	Griest	Leshner	Rubey
Costello	Griffin	Linthicum	Rucker
Crago	Hamill	Longworth	Sanders, N. Y.
Crowther	Hastings	McCulloch	Sanford
Curry, Calif.	Hayden	McPherson	Scott
Dale	Hernandez	Maher	Scully
Davey	Hersman	Mann, Ill.	Sears
Donovan	Hoey	Mansfield	Shreve
Dooling	Hulings	Mays	Simp
Drane	Igoe	Merritt	Small
Drewry	Ireland	Milligan	Smith, Ill.
Dunn	Jacoway	Moore, Va.	Smith, N. Y.
Dyer	Johnston, N. Y.	Morin	Smithwick
Echols	Jones, Pa.	Neely	Snyder

Stoll	Towner	Walters	Woodyard
Sullivan	Treadway	Winslow	Yates
Tillman	Vestal	Woods, Va.	Young, N. Dak.

So the amendment was rejected.

The Clerk announced the following pairs:

On the vote:

Mr. TREADWAY (for) with Mr. MANN of Illinois (against).  
Mr. CURRY of California (for) with Mr. JACOWAY (against).

Until further notice:

Mr. SNYDER with Mr. CARTER.  
Mr. COLE with Mr. HAYDEN.  
Mr. ELSTON with Mr. DRANE.  
Mr. RHODES with Mr. TILLMAN.  
Mr. HERNANDEZ with Mr. HASTINGS.  
Mr. ECHOLS with Mr. EVANS of Nevada.  
Mr. DALE with Mr. IGOE.  
Mr. CROWTHER with Mr. LEE of Georgia.  
Mr. LANGLEY with Mr. CLARK of Florida.  
Mr. ANDERSON with Mr. STOLL.  
Mr. JONES of Pennsylvania with Mr. DONOVAN.  
Mr. BROOKS of Pennsylvania with Mr. GRIFFIN.  
Mr. SLEMP with Mr. WOODS of Virginia.  
Mr. YOUNG of North Dakota with Mr. SCULLY.  
Mr. MERRITT with Mr. HAMILL.  
Mr. CRAGO with Mr. SULLIVAN.  
Mr. KENDALL with Mr. CASEY.  
Mr. GRAHAM of Pennsylvania with Mr. GARD.  
Mr. WOODYARD with Mr. LESHNER.  
Mr. RODENBERG with Mr. CAREW.  
Mr. KENNEDY of Rhode Island with Mr. CALDWELL.  
Mr. VESTAL with Mr. HERSMAN.  
Mr. YATES with Mr. BOOHER.  
Mr. PORTER with Mr. NEELY.  
Mr. MCPHERSON with Mr. MILLIGAN.  
Mr. MORIN with Mr. DAVEY.  
Mr. McCULLOCH with Mr. DREWRY.  
Mr. WINSLOW with Mr. RUEBY.  
Mr. REAVIS with Mr. MOORE of Virginia.  
Mr. WALTERS with Mr. MAYS.  
Mr. BURKE with Mr. MAHER.  
Mr. HULINGS with Mr. MANSFIELD.  
Mr. PAIGE with Mr. BRINSON.  
Mr. IRELAND with Mr. SMALL.  
Mr. DUNN with Mr. LARSEN.  
Mr. LONGWORTH with Mr. KITCHIN.  
Mr. TOWNER with Mr. LINTHICUM.  
Mr. KIESS with Mr. SMITHWICK.  
Mr. SANDERS of New York with Mr. LANKFORD.  
Mr. KREIDER with Mr. BRUMBAUGH.  
Mr. DYER with Mr. RUCKER.  
Mr. RIDDICK with Mr. SEARS.  
Mr. GOULD with Mr. JOHNSTON of New York.  
Mr. KAHN with Mr. DOOLING.  
Mr. GARLAND with Mr. KETNER.  
Mr. REBER with Mr. NICHOLS.  
Mr. GRIEST with Mr. SMITH of New York.  
Mr. ELLSWORTH with Mr. HOEY.  
Mr. GOODYKOONTZ with Mr. ROWAN.

Mr. LANGLEY. Mr. Speaker, I am paired with the gentleman from Florida, Mr. CLARK. If I were not paired, I would vote "no." I vote "present."

The result of the vote was announced as above recorded.

The SPEAKER. A quorum is present. The Doorkeeper will open the doors.

Mr. DAVIS of Tennessee. Mr. Speaker, I now move to lay the bill on the table.

The SPEAKER. That motion is not in order. It would be in order if the previous question had not been ordered. The previous question has been ordered. So now the question is on the engrossment and third reading of the bill.

Mr. MAPES. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MAPES. The usual rule is that when the House refuses to concur in the action of the committee in striking out all after the enacting clause of a bill the bill is referred back to the committee. The ruling in a former Congress was that on Calendar Wednesday when that action was taken the House immediately resolved itself back into Committee of the Whole House on the state of the Union for the further consideration of the bill. In this case the committee struck out all after the enacting clause of the bill and substituted another bill or substituted an amendment. But still the House refuses to concur in the action of the committee in striking out all after the enacting clause. The Committee of the Whole House on the state of the Union has never really considered the Senate bill. It has never had

an opportunity to take it up paragraph by paragraph and amend it, and it seems to me that following the principle of the rule to which I have called attention the House should now resolve itself again into Committee of the Whole House on the state of the Union for the purpose of considering the Senate bill the same as though no substitute had been offered for it.

Mr. WALSH. Mr. Speaker, will the Chair permit me to suggest that the question is not upon the engrossment and third reading but upon the third reading?

The SPEAKER. It is upon the third reading.

Mr. WALSH. As to the suggestion of the gentleman from Michigan [Mr. MAPES], I think the gentleman has in mind—

Mr. GARRETT. Did I understand the Chair to say this is not the engrossment and third reading?

The SPEAKER. It is a Senate bill. It does not have to be engrossed.

Mr. WALSH. I think the gentleman from Michigan may have in mind what occurs when the committee strikes out the enacting clause of a bill when it is not concurred in by the House. But when a bill is amended by striking out all after the enacting clause and substituting another bill, and that amendment is disagreed to, it seems to me there is no necessity for the House again to resolve itself into Committee of the Whole House on the state of the Union for the consideration of the language that is still left in the bill. It can be done on a motion to recommit.

Mr. MAPES. Mr. Speaker, will the gentleman yield?

Mr. WALSH. Yes.

Mr. MAPES. I do not understand that there is any difference in practical effect between the motion to strike out all after the enacting clause and a motion to strike out the enacting clause. In either event in ordinary practice it means the death of the bill. Under the present situation I submit the Members of the House or the members of the committee should have the right to take up the Senate bill section by section.

Mr. TILSON. Will the Speaker hear me for a moment?

The SPEAKER. The Chair will hear the gentleman.

Mr. TILSON. I wish to call to the attention of the Chair that there were three amendments passed, or at least three separate motions. The first motion was to strike out section 1 and insert the matter of the House bill. That motion was agreed to. The first section was stricken out and the House matter inserted.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. TILSON. In just a moment, if the gentleman please. Later section 2 of the bill was read and stricken out. Finally section 3 was read and stricken out; so that there were three separate amendments acted upon by the Committee of the Whole.

The first amendment, striking out section 1 and inserting the House bill, has been reversed by the House. It would seem that unless a separate vote is had on the other two amendments we are brought back to this situation, that the first section of the Senate bill remains while the other two have been stricken out.

Mr. BLANTON. That is the parliamentary situation.

Mr. TILSON. Yes; or at any rate these were the parliamentary steps leading up to the present situation, Mr. Speaker.

Mr. DAVIS of Tennessee. Mr. Speaker, supplementary to what is stated by the gentleman from Connecticut, the first action was that the chairman of the committee moved to strike out the first section of the Senate bill and insert in lieu of the first section the House committee amendment.

The SPEAKER. Was a separate vote taken on each section of the House amendment?

Mr. WINGO. Yes; I insisted on a separate vote, and there were really three different amendments in the committee.

The SPEAKER. If that is the situation, then there are two amendments still to be acted upon, and what the gentleman from Michigan [Mr. MAPES] says sounds reasonable and logical; but, after all, it is based upon section 7 of Rule XXIII, and that does not apply strictly, the Chair thinks, to the present situation. It does apply in one sense practically, as the gentleman suggests—

Mr. MAPES. I am told by my colleagues here that I misapprehended the situation.

Mr. MONTAGUE. I may be mistaken, but I desire to suggest, subject to correction, that there is only one amendment—that they were not separate amendments.

The SPEAKER. The Chair is told that there were three amendments. The bill was reported to the House as amended with only one amendment.

Mr. JONES of Texas. The Chair stated that there was only one amendment.

Mr. BLANTON. A point of order, Mr. Speaker.



The SPEAKER. The gentleman will state it.

Mr. BLANTON. There were clearly two amendments passed by the Committee of the Whole House after the action adopting the committee amendment which made the House bill in order. The other two amendments were adopted by that action so taken by the Committee of the Whole.

The SPEAKER. What is the gentleman's point of order?

Mr. BLANTON. The point of order I make is that those two amendments are now before the House for action.

Mr. WALSH. Mr. Speaker, relative to the point of order of the gentleman from Texas, the committee followed the practice that is quite often followed, namely, when the first section of the Senate bill was read the gentleman from Massachusetts [Mr. GREENE], chairman of the Committee on the Merchant Marine and Fisheries, moved to strike out section 1 and to insert the House bill, or rather to insert the amendment which the Committee on the Merchant Marine and Fisheries had reported and which is contained in the italicized portion of the amended bill. That amendment of the Committee on the Merchant Marine and Fisheries was perfected. Finally it was voted in as a substitute for section 1. At the time the gentleman from Massachusetts [Mr. GREENE] made his motion, if I am correctly advised, he gave notice that if his motion prevailed he would then move to strike out—

Mr. BLANTON. The gentleman is in error.

Mr. WALSH. I wish the gentleman would make his statement in his own time, and not inject contradictions here when I am in the midst of an attempt to state the case.

He gave notice, if I am correctly advised, that if his motion prevailed, he would move to strike out sections 2 and 3 as they were read. They were read and he made a motion to strike them out. Now, Mr. Speaker, these motions, while in a sense they were separate amendments, are in the nature of pro forma amendments, action upon which is practically foreclosed when they adopt a substitute for section 1. The chairman of the committee I think was correct in reporting to the House that they had reported back the Senate bill with an amendment; that while it requires two separate votes in committee to eliminate the other sections, they were mere pro forma motions made necessary by the action of the committee, following the statement of the chairman to the effect that if the amendments were agreed to he would move to eliminate the other two sections. So they are not now properly before the House as separate amendments.

The SPEAKER. Is not this discussion academic? The Chair understands that the vote inserting the Senate amendment is practically a vote on the merits of the bill, and undoubtedly those who voted against the amendment voted against the bill. Therefore the Chair would suggest that it is rather a waste of time to discuss this feature of it.

Mr. WALSH. If the Chair will pardon me, I understood the Chair was inclined to hold that now the vote would come on the other two amendments.

The SPEAKER. The Chair was inclined that way, but the chairman of the Committee of the Whole House on the state of the Union reported that there was one amendment. The bill shows substantially one amendment. The Chair is inclined to think that the statement of the gentleman from Massachusetts is a fair statement of the situation, and at any rate the House having expressed emphatically its opinion of the bill, the next vote had best be on the third reading of the bill, which would undoubtedly end the whole matter. The question is on the third reading of the bill.

Mr. GREENE of Massachusetts. Mr. Speaker, I move to recommit the bill.

The SPEAKER. That will not be in order until after the third reading of the bill, and there has been no third reading of the bill.

The question was taken; and on a division (demanded by Mr. McARTHUR) there were 97 ayes and 69 noes.

The bill was read the third time.

Mr. GREENE of Massachusetts. Mr. Speaker, I move to recommit the bill to the Committee on the Merchant Marine and Fisheries.

Mr. DAVIS of Tennessee. Mr. Speaker, I move to lay that motion on the table.

The SPEAKER. The Chair does not think that motion is in order.

Mr. GARRETT. The gentleman from Massachusetts did not move the previous question on the motion to recommit.

The SPEAKER. But the previous question is pending.

Mr. GARRETT. Not on the motion to recommit.

Mr. LEHLBACH. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. LEHLBACH. The gentleman from Massachusetts made a motion to recommit. That motion has not been put. Is not the gentleman from Massachusetts entitled to be recognized to move the previous question?

The SPEAKER. The gentleman did not move the previous question.

Mr. LEHLBACH. The motion to recommit had not been stated.

The SPEAKER. The two motions are generally made together. The Chair is disposed to think that the motion of the gentleman from Tennessee is not in order.

Mr. GARRETT. A parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. GARRETT. If the motion should be held to be in order and the motion to recommit were laid on the table, would that carry the entire bill with it?

The SPEAKER. It is a novel question to the Chair, but on first blush the Chair would say offhand that it would.

Mr. MAPES. Mr. Speaker, I would like to put this proposition to the Chair. The previous question not having been moved on the motion to recommit, it might be in order to amend the motion to recommit, and I submit that is the only motion that can be made.

The SPEAKER. That is what the Chair stated was his impression. The motion to recommit is for the purpose of preventing an amendment. The Chair would at first blush think that that would rule out the motion to lay on the table.

Mr. GREENE of Massachusetts. Mr. Speaker, I have not surrendered the floor after I made the motion to recommit, and I now move the previous question.

Mr. HICKS. Mr. Speaker, will the Chair hear me?

The SPEAKER. The Chair will hear the gentleman.

Mr. HICKS. As I understand, the question is whether it is proper to have a motion to lay on the table a motion to recommit. It would seem to me, if the motion is in order, it would be depriving the minority of their rights, that the majority could at any time lay a report of the minority on the table, and that does not seem to be in accordance with our rule.

Mr. DAVIS of Tennessee. Mr. Speaker, to obviate any further discussion on this matter, I withdraw my motion to lay on the table.

The SPEAKER. A citation has just been shown to the Chair saying that a motion to lay on the table is not in order. The gentleman from Massachusetts moves to recommit the bill to the Committee on the Merchant Marine and Fisheries, and on that he moves the previous question.

The previous question was ordered.

The SPEAKER. The question is on recommitting the bill to the Committee on the Merchant Marine and Fisheries.

The question was taken; and on a division (demanded by Mr. DAVIS of Tennessee and Mr. BLANTON) there were 164 ayes and 56 noes.

So the bill was recommitted to the Committee on the Merchant Marine and Fisheries.

#### BUDGET SYSTEM—CONFERENCE REPORT.

Mr. GOOD. Mr. Speaker, I present a conference report upon the bill H. R. 9783, to provide a national budget system and an independent audit of accounts, and so forth, for printing under the rule.

#### ALLOTMENT OF LANDS FOR CROW TRIBE—CONFERENCE REPORT.

Mr. CAMPBELL of Kansas. Mr. Speaker, I submit a conference report for printing under the rule upon the bill (S. 2890) to provide for the allotment of lands for the Crow Tribe, for the distribution of tribal funds, and for other purposes.

#### TO PUNISH THE CRIME OF LYNCHING.

Mr. CARAWAY. Mr. Chairman, I ask unanimous consent to file a minority report upon the bill (H. R. 14097) to assure the persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The SPEAKER. The gentleman from Arkansas asks unanimous consent to file a minority report upon the bill H. R. 14097. Is there objection?

There was no objection.

#### ORDER OF BUSINESS.

Mr. GREEN of Iowa. Mr. Speaker, I ask unanimous consent to address the House for one minute.

The SPEAKER. Is there objection?

There was no objection.

Mr. GREEN of Iowa. Mr. Speaker, as gentlemen of the House are well aware, yesterday I called up two bills for consideration and succeeded in getting at only one of them, and that one I did not succeed in finishing. Both of these bills are

considered of great importance by the Treasury Department. It is believed that if they do not pass at this session a large amount of money will be lost to the Government. I understand that the majority leader, the gentleman from Wyoming [Mr. MONDELL], will ask unanimous consent to meet hereafter at 11 o'clock. I hope no one will object to that, in order that we may get through with this important business that we have before the House, the bills which I have mentioned, as well as other matters.

#### NAVAL RADIO STATIONS.

Mr. GREENE of Massachusetts. Mr. Speaker, I call up S. J. Res. 170, to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public.

The SPEAKER. The gentleman from Massachusetts calls up S. J. Res. 170. This resolution is on the Union Calendar. The House will automatically resolve itself into the Committee of the Whole House on the state of the Union for the consideration of the joint resolution, and the gentleman from Ohio [Mr. LONGWORTH] will take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of S. J. Res. 170, with Mr. LONGWORTH in the chair.

The CHAIRMAN. The Clerk will report the Senate resolution.

The Clerk read as follows:

*Resolved, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed, so far as is consistent with the transaction of Government business, to permit the use of the radio stations under the control of the Navy Department for the transmission and reception of commercial messages between ship and shore for the benefit of the general public, under regulations prescribed by him, and he shall fix the rates for such service, subject to control of such rates by the Congress, at a rate not less than the cost of service to the Navy Department; and the receipts for such service shall be turned into the Treasury as miscellaneous receipts.

SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to permit the use of naval high-power radio stations, under the regulations prescribed in section 1, for the transmission and reception of commercial and press messages between these stations and other stations in the United States or its Territories, and between these stations and stations in foreign countries: *Provided*, That such use of naval high-power radio stations for commercial business, other than press messages, shall cease as and when the Secretary of the Navy is notified by the Secretary of Commerce that an American radio company is prepared to take over this work and establish adequate communication between the points in question: *Provided, further*, That a special low charge shall be made for such press service at such rate as shall be fixed by the Secretary of the Navy.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That all land, ship, and airship radio stations, and all apparatus therein owned by the United States may be used by it for receiving and transmitting messages relating to Government business, compass reports, and the safety of ships.

"SEC. 2. That the Secretary of the Navy is hereby authorized, under terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department—(a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States; and (b) for the reception and transmission of private commercial messages: *Provided*, That the rates fixed for the reception and transmission of commercial messages, other than press messages, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided, further*, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and all rights conferred by this section shall terminate and cease in any event two years from the date this resolution takes effect.

"SEC. 3. That all stations owned and operated by the Government, except as herein otherwise provided, shall be used and operated in accordance with the provisions of the act of Congress entitled 'An act to regulate radio communication,' approved August 13, 1912."

Mr. GREENE of Massachusetts. Mr. Chairman, I yield to the gentleman from Illinois [Mr. CHINDBLOM].

Mr. CHINDBLOM. Mr. Chairman, this resolution comes with the recommendation for passage by the Committee on the Merchant Marine and Fisheries. I know of no special objection to the bill. Its principal purpose is to make it possible for the Navy Department for two years to come to continue the radio service which it has been giving during the war. No doubt Members of the House will remember that during the war all radio apparatus and all radio stations were taken over by the Government. Quite recently, by Executive order, on February 13 last, the Secretary of the Navy directed that these stations which had been taken over by the Government should be returned to their private owners as of midnight on Febru-

ary 29, 1920. There are sections of the country where it is very necessary that the Federal Government should continue the operation of radio service stations.

The committee recommends an amendment to take the place of the Senate bill. The first section of this committee amendment provides that all land, ship, and airship radio stations, and all apparatus therein owned by the United States, may be used by the United States for receiving and transmitting messages relating to Government business, compass reports, and the safety of ships. For these three purposes the Government may continue using this radio apparatus and radio service without interruption, and until Congress shall otherwise determine.

The second section of the amendment relates to two kinds of radio messages—first, press messages; and, second, commercial messages. A very unusual situation has arisen, particularly on the Pacific coast. There is no radio service on the Pacific coast which is adequate and available for the use of American newspapers and American press associations. As a matter of fact, all press messages sent to the Orient from the United States are subject to review and interruption and coloring by foreign Governments or foreign interests which sometimes show a disposition to interfere with American news and American business.

The Pacific coast situation was the phase which was first called to the attention of the committee and which really was the inception of this legislation. Section 2 further provides for commercial messages which may be sent for a period of two years, at rates to be fixed by the Secretary of the Navy, but subject to review and revision by the Interstate Commerce Commission. These rates for ordinary commercial messages shall not be less than those charged by private companies. With reference to the press messages, however, the bill makes no such provision. It is contemplated and intended by this amendment, as it was by the Senate bill, that these press messages may be sent by the Navy Department at less rates than are charged for ordinary commercial messages. All of this Government operation relating to commercial messages and press messages shall terminate, at all events, under the terms of the bill, within two years, and prior to that time, in case there shall be sufficient private apparatus and private service for handling the business. Mr. Chairman, I do not believe that any further discussion or explanation of this bill is necessary. If there are any questions any gentlemen desire to ask, the members of the committee will be glad to answer them.

Mr. KRAUS. Will the gentleman yield?

Mr. CHINDBLOM. Yes, sir.

Mr. KRAUS. Did the committee hold hearings on this bill?

Mr. CHINDBLOM. They held hearings on this bill.

Mr. KRAUS. Can the gentleman state to the Committee of the Whole House whether this enterprise would be profitable to the General Government?

Mr. CHINDBLOM. The Navy Department has stations, apparatus, and men in its employ for this service, and this apparatus and stations are the property of the Government and the men are being paid by the Government. No additional employees need to be secured; no additional apparatus need be obtained; in fact, it is not contemplated that any shall be obtained under this bill, but we are utilizing apparatus and service which the Navy Department already has and the employees which the Navy Department already has, and whatever money is paid into the Treasury will be a revenue which the Government will obtain without any additional cost.

Mr. KRAUS. Then, if I understand the gentleman—and I only understand by inference because the question has not been answered directly—the carrying on of this activity is not a source of profit to the Government but an expense, and he proposes by this bill to continue this war activity for two years in spite of that fact?

Mr. CHINDBLOM. I do not know that I understand the question of the gentleman quite correctly.

Mr. KRAUS. Well, the gentleman has not answered the question directly, but it is fairly to be inferred from his statement that the maintenance of these radio stations, which were taken on and directed as a war necessity, is an expense to the Government. That is fairly inferable because the gentleman has not answered directly the question which I have propounded as to whether it was a source of expense. In other words, the income at this time does not equal the outlay, and by this law the gentleman would require the Secretary of the Navy to maintain this war organization for a period of two years notwithstanding the fact that the Navy itself might not have occasion to use it?

Mr. CHINDBLOM. This apparatus and these stations are all owned by the Navy now, and if we do not pass this bill the Navy will have the same apparatus, will have the same sta-



tions, and will have the same employees, but no revenue will go to the Government from their use.

Mr. KRAUS. Why not let the Navy Department abandon these stations which are unnecessary for war purposes? If we pass this measure, we still keep them in activity for two years?

Mr. CHINDBLOM. No; the bill provides this activity shall continue only until privately owned stations and privately owned apparatus are sufficient to take care of the service.

Mr. DAVIS of Tennessee. Will the gentleman yield?

Mr. CHINDBLOM. Yes.

Mr. DAVIS of Tennessee. In that connection and in reply to the question of the gentleman, this bill does not require the Government to maintain any stations or apparatus for the purpose of rendering this service?

Mr. CHINDBLOM. No.

Mr. DAVIS of Tennessee. It simply authorizes the Government to render this service with the stations and apparatus which they may have, and those in authority have stated that it would not involve any additional expense; that they have their apparatus; had to maintain it; had the operators; and that to render this other service for the general public when needed would not impose any additional expense at all upon the Government.

Mr. KRAUS. I will say in reply to the gentleman from Tennessee that I will not assume that he is so simple that he would think that if this bill is passed these stations will be maintained less than twice 365 days. The Navy Department will assume that this is directory and compulsory.

Mr. GREENE of Massachusetts. Mr. Chairman, the principal use that will be made of this radio business will be for the protection of merchant ships at sea as well as of naval vessels all around the world, and that was one of the inducements which led the committee to act in this matter and to make the provision contained in the resolution that until private enterprise has provided otherwise this work could be done by the Navy Department, as it has been done, not for the purpose of making any additional expense but only for the general good of every vessel owner and every person in the United States.

Mr. VARE. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. VARE. This, however, does continue a war service in time of peace?

Mr. GREENE of Massachusetts. Oh, no. There is no such intention. We have not any service at all except as provided through the Navy, and the Navy can not lawfully collect one single dollar for the service rendered until this resolution is enacted into law.

Mr. VARE. They did not have any service prior to the war?

Mr. GREENE of Massachusetts. No, sir. They can not collect the money for any service they render until this bill is passed and they are authorized to collect.

Mr. MILLER. As I understand, the Navy maintains these radio stations?

Mr. GREENE of Massachusetts. Yes.

Mr. MILLER. Now, this bill authorizes the Navy to utilize them for commercial purposes and get some revenue?

Mr. GREENE of Massachusetts. To receive pay for their services, and not only that, whatever they do for the newspapers they will receive corresponding pay for, and it puts the United States in some reasonable position abroad which it does not possess to-day, but it grants them the temporary authority they ought to have.

Mr. BRIGGS. Is it not a fact that unless this privilege of utilizing the radio for commercial messages is continued under authorization many commercial interests will be denied any radio service whatever?

Mr. GREENE of Massachusetts. Yes, sir; they are proceeding now without authority of law to accommodate the public.

Mr. CHINDBLOM. Let me say, in addition to what the gentleman from Massachusetts says, that on the Great Lakes there is absolutely no radio service whatever at the present time except that which is under the control of the Navy Department.

Mr. BRIGGS. The same is true in my city of Galveston. The Navy took over the wireless apparatus there and are operating it. They have no opportunity at all to use it for private messages.

Mr. CHINDBLOM. May I add that a gentleman who recently made a trip to the Virgin Islands suggests that we have no communication with the islands of the Caribbean Sea or the Virgin Islands except through the Navy radio stations?

Mr. CANNON. Will the gentleman yield?

Mr. GREENE of Massachusetts. Yes.

Mr. CANNON. Before the war was there any service privately owned?

Mr. GREENE of Massachusetts. There were some private companies that furnished radio communication for compensation.

Mr. CANNON. And did the Government take it over, and is the Government obligated to return it to the private owners?

Mr. GREENE of Massachusetts. Yes; the private stations taken over during the war by the President have been returned by his order. The Navy bought, during the war, certain stations from the Marconi and other wireless organizations, and the Navy have them now in their possession.

Mr. CANNON. Does that cover all the radio service with foreign countries and on sea and land?

Mr. GREENE of Massachusetts. Yes; the shore stations especially, and they had the other stations for their own convenience in keeping in touch with the vessels of the Navy that were at sea, and also for accommodating the merchant marine.

Mr. CANNON. As I understand the gentleman, unless the bill passes there will be no service—

Mr. GREENE of Massachusetts. No service at all.

Mr. CANNON (continuing). For the general public?

Mr. GREENE of Massachusetts. That is it exactly. We make this provision for the temporary term of two years, and if private enterprise is ready to provide the service to meet the needs of business then the Navy Department will withdraw from the commercial radio service.

Mr. CHINDBLOM. And before two years.

Mr. GREENE of Massachusetts. And before that time if they are ready, if certified to that effect by the Department of Commerce.

Mr. Chairman, I ask for the reading of the bill.

The CHAIRMAN. Does any gentleman wish to speak in opposition to the bill? If not, the Clerk will report it.

The Clerk read as follows:

*Resolved, etc.,* That the Secretary of the Navy be, and he is hereby, authorized and directed, so far as is consistent with the transaction of Government business, to permit the use of the radio stations under the control of the Navy Department for the transmission and reception of commercial messages between ship and shore for the benefit of the general public, under regulations prescribed by him, and he shall fix the rates for such service, subject to control of such rates by the Congress, at a rate not less than the cost of service to the Navy Department; and the receipts for such service shall be turned into the Treasury as miscellaneous receipts.

SEC. 2. That the Secretary of the Navy be, and he is hereby, authorized and directed to permit the use of naval high power radio stations, under the regulations prescribed in section 1, for the transmission and reception of commercial and press messages between these stations and other stations in the United States or its Territories, and between these stations and stations in foreign countries: *Provided*, That such use of naval high power radio stations for commercial business, other than press messages, shall cease as and when the Secretary of the Navy is notified by the Secretary of Commerce that an American radio company is prepared to take over this work and establish adequate communication between the points in question: *Provided further*, That a special low charge shall be made for such press service at such rate as shall be fixed by the Secretary of the Navy.

With a committee amendment, as follows:

On page 1, strike out all of lines 3 to 11, inclusive, and on page 2 strike out all of lines 1 to 18, inclusive, and insert in lieu thereof the following:

"That all land, ship, and airship radio stations, and all apparatus therein owned by the United States may be used by it for receiving and transmitting messages relating to Government business, compass reports, and the safety of ships.

"SEC. 2. That the Secretary of the Navy is hereby authorized, under terms and conditions and at rates prescribed by him, which rates shall be just and reasonable, and which, upon complaint, shall be subject to review and revision by the Interstate Commerce Commission, to use all radio stations and apparatus, wherever located, owned by the United States and under the control of the Navy Department—(a) for the reception and transmission of press messages offered by any newspaper published in the United States, its Territories or possessions, or published by citizens of the United States in foreign countries, or by any press association of the United States, and (b) for the reception and transmission of private commercial messages: *Provided*, That the rates fixed for the reception and transmission of commercial messages, other than press messages, shall not be less than the rates charged by privately owned and operated stations for like messages and service: *Provided further*, That the right to use such stations for any of the purposes named in this section shall terminate and cease as between any countries or localities or between any locality and privately operated ships, whenever privately owned and operated stations are capable of meeting the normal communication requirements between such countries or localities or between any locality and privately operated ships, and the Secretary of Commerce shall have notified the Secretary of the Navy thereof, and all rights conferred by this section shall terminate and cease in any event two years from the date this resolution takes effect.

"SEC. 3. That all stations owned and operated by the Government, except as herein otherwise provided, shall be used and operated in accordance with the provisions of the act of Congress entitled 'An act to regulate radio communication,' approved August 13, 1912."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

Mr. GREENE of Massachusetts. Mr. Chairman, I move that the committee do now rise and report the bill back to the House

with the amendment, with the recommendation that the amendment be agreed to and that the bill as amended do pass.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. LONGWORTH, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee, having had under consideration Senate joint resolution 170, to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public, had directed him to report the same back to the House with an amendment with the recommendation that the amendment be agreed to and that the resolution as amended do pass.

Mr. GREENE of Massachusetts. Mr. Speaker, I move the previous question on the resolution and the amendment to final passage.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the third reading of the Senate joint resolution.

The Senate joint resolution was ordered to be read a third time, was read the third time, and passed.

Mr. GREENE of Massachusetts. Mr. Speaker, I move that the title be amended in accordance with the text.

The SPEAKER. The gentleman from Massachusetts moves that the title of the resolution be amended in accordance with the text. The question is on agreeing to that motion.

The motion was agreed to.

On motion of Mr. GREENE of Massachusetts, a motion to reconsider the vote whereby the Senate joint resolution was passed was laid on the table.

#### ORDER OF BUSINESS.

Mr. MONDELL. Mr. Speaker, I ask unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow.

The SPEAKER. The gentleman from Wyoming asks unanimous consent that when the House adjourns to-day it adjourn to meet at 11 o'clock to-morrow. Is there objection?

Mr. GARRETT. Reserving the right to object, Mr. Speaker, may I ask the gentleman what is in his contemplation to take up to-morrow?

Mr. MONDELL. A bill from the Committee on Ways and Means is unfinished business. It is possible that the Committee on Rules may present a rule, but the unfinished business is a bill from the Committee on Ways and Means. There are several conference reports pending before the House.

Mr. GARRETT. May I inquire as to the nature of the rule that is likely to be presented?

Mr. MONDELL. I presume that the gentleman, who is a member of the Committee on Rules, knows of the rules that have been so far approved by the Committee on Rules.

Mr. GARRETT. Yes; I am familiar with those; I am familiar with them, but I have no information as to which one of the several rules is likely to come up.

Mr. MONDELL. I do not know that I could say.

Mr. GARRETT. I do not wish to interfere, I will say to the gentleman from Wyoming, with the gentleman from Iowa [Mr. GREEN] proceeding with the revenue bill that he has in hand, but I do not feel that I could consent if there is a rule from the Committee on Rules to come up. The Committee on Rules is to meet at 10 o'clock, but I am not advised as to what business will come before it. I do not propose to get in the way of the gentleman from Iowa, but with a statement so general as that made by the gentleman from Wyoming I feel that I shall have to object.

Mr. SABATH. Is it not possible for you gentlemen on that side to agree on something? [Laughter.]

Mr. MONDELL. Mr. Speaker, realizing the position of the gentleman from Tennessee, and having no desire to embarrass him, I will withdraw my request. [Laughter.]

#### ENROLLED BILL AND JOINT RESOLUTION SIGNED.

The SPEAKER announced his signature to enrolled bill and joint resolution of the following titles:

S. 3897. An act to amend section 16 of the act of Congress approved July 17, 1916, known as the Federal farm-loan act.

S. J. Res. 179. Joint resolution authorizing use of Army transports by teams, individuals, and their equipment representing the United States in Olympic games and international competitions.

#### EXTENSION OF REMARKS.

Mr. GREENE of Massachusetts. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD.

The SPEAKER. Is there objection to the gentleman's request?

There was no objection.

Mr. SABATH. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. PARRISH. Mr. Speaker, I make the same request.

The SPEAKER. The gentleman from Texas makes the same request. Is there objection?

There was no objection.

Mr. PELL. Mr. Speaker, I make the same request.

The SPEAKER. Is there objection?

There was no objection.

Mr. CRAMTON. Mr. Speaker, these requests all have reference to the pending bill?

The SPEAKER. It is so understood.

Mr. BLANTON. Mr. Speaker, I think we ought to have a quorum. I make the point of order that there is no quorum present.

#### ADJOURNMENT.

Mr. MONDELL. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 5 o'clock and 47 minutes p. m.) the House adjourned until to-morrow, Thursday, May 27, 1920, at 12 o'clock noon.

#### EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for the Detroit, Mich., Marine Hospital (H. Doc. No. 794); to the Committee on Appropriations and ordered to be printed.

2. A letter from the Secretary of the Treasury, transmitting communication from the president of the United States Civil Service Commission submitting an estimate of appropriation required for section 13 of the act for the retirement of employees in the classified civil service (H. Doc. No. 795); to the Committee on Appropriations and ordered to be printed.

3. A letter from the Secretary of the Treasury, transmitting estimate of appropriation required for administration of the civil-service retirement act, Bureau of Pensions, Department of the Interior (H. Doc. No. 796); to the Committee on Appropriations and ordered to be printed.

4. A letter from the Acting Secretary of the Treasury, transmitting estimate of appropriation for inclusion in the general deficiency bill for the construction of a penthouse on bridge, New York, N. Y. (H. Doc. No. 797); to the Committee on Appropriations and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. PORTER, from the Committee on Foreign Affairs, to which was referred the joint resolution (S. J. Res. 152) authorizing the appointment of a commission to confer with the Dominion Government or the provincial governments of Quebec, Ontario, and New Brunswick as to certain restrictive orders in council of the said Provinces relative to the exportation of pulp wood therefrom to the United States, reported the same with amendments, accompanied by a report (No. 1039); which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. SINNOTT, from the Committee on the Public Lands, to which was referred the bill (H. R. 14101) providing for the extension of time for the reclamation of certain lands in the State of Oregon under the Carey Act, reported the same without amendment, accompanied by a report (No. 1040), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. GANDY, from the Committee on the Public Lands, to which was referred the bill (H. R. 11118) authorizing the consolidation of lands in national forests in the State of South Dakota, reported the same with amendments, accompanied by a report (No. 1042), which said bill and report were referred to the Committee of the Whole House on the state of the Union.



# REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,  
Mr. KELLY of Pennsylvania, from the Committee on Claims, to which was referred the bill (H. R. 10521) for the relief of Ida F. Baum, reported the same without amendment, accompanied by a report (No. 1041), which said bill and report were referred to the Private Calendar.

## CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, the Committee on Invalid Pensions was discharged from the consideration of the bill (H. R. 14108) granting an increase of pension to William W. Burke, and the same was referred to the Committee on Pensions.

## PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. LANGLEY: A bill (H. R. 14239) fixing the rate of compensation of internal-revenue gaugers, storekeepers, and storekeeper-gaugers, the hours of labor per day, and providing the rate of compensation per hour for extra work, and for other purposes; to the Committee on Expenditures in the Treasury Department.

By Mr. VOLSTEAD: Resolution (H. Res. 569) for the immediate consideration of House joint resolution 339; to the Committee on Rules.

By Mr. MASON: Resolution (H. Res. 570) asking for information as to mandate for Armenia; to the Committee on Foreign Affairs.

By Mr. BLACKMON: Resolution (H. Res. 571) asking for information regarding the use of the House Office Building and the legislative drafting committee; to the Committee on Rules.

By Mr. KNUTSON: Joint resolution (H. J. Res. 363) making an appropriation to discover a suitable substitute for gasoline; to the Committee on Agriculture.

By Mr. BLACKMON: Joint resolution (H. J. Res. 364) for the appointment of a joint commission of three Members of the House and two Members of the Senate to investigate contributions to all candidates for Members of the Sixty-seventh Congress; to the Committee on Appropriations.

By Mr. MASON: Concurrent resolution (H. Con. Res. 57) favoring a government of its own choice for Ireland; to the Committee on Foreign Affairs.

By Mr. BEGG: Concurrent resolution (H. Con. Res. 58) regarding the freedom of Ireland; to the Committee on Foreign Affairs.

## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BENHAM: A bill (H. R. 14240) granting an increase of pension to John A. Ruddell; to the Committee on Pensions.

By Mr. BLAND of Virginia: A bill (H. R. 14241) granting an increase of pension to Sherwood C. Bownes; to the Committee on Pensions.

By Mr. BROOKS of Illinois: A bill (H. R. 14242) for the relief of John A. Bingham; to the Committee on Claims.

By Mr. GLYNN: A bill (H. R. 14243) granting a pension to Grace A. Kimmer; to the Committee on Pensions.

By Mr. GOLDFOGLE: A bill (H. R. 14244) granting an increase of pension to Jacob Mandelbaum; to the Committee on Pensions.

By Mr. GRAHAM of Illinois: A bill (H. R. 14245) for the relief of H. Bernhard Erikson; to the Committee on Claims.

By Mr. JONES of Pennsylvania: A bill (H. R. 14246) granting a pension to Agnes Fowler; to the Committee on Invalid Pensions.

By Mr. LEE of Georgia: A bill (H. R. 14247) granting an increase of pension to Malissa M. A. Carlson; to the Committee on Pensions.

By Mr. LONERGAN: A bill (H. R. 14248) granting a pension to Annie M. Marsh; to the Committee on Invalid Pensions.

By Mr. McFADDEN: A bill (H. R. 14249) granting a pension to Frank E. Crowley; to the Committee on Pensions.

By Mr. MEAD: A bill (H. R. 14250) granting an increase of pension to William J. Hines; to the Committee on Pensions.

By Mr. MOORES of Indiana: A bill (H. R. 14251) granting a pension to Annie L. Marksbury; to the Committee on Invalid Pensions.

By Mr. PELL: A bill (H. R. 14252) for the relief of Percy de Marets Betts; to the Committee on Military Affairs.

By Mr. SMITH of Michigan: A bill (H. R. 14253) granting a pension to Luella E. Foote; to the Committee on Invalid Pensions.

By Mr. STRONG of Pennsylvania: A bill (H. R. 14254) granting a pension to Robert A. Ayers; to the Committee on Invalid Pensions.

By Mr. CANNON: Resolution (H. Res. 572) to pay Arthur Lucas for special janitor services; to the Committee on Accounts.

## PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3896. By Mr. CROWTHER: Petition of sundry citizens of the city of Schenectady, N. Y., urging the passage of the Mason bill; to the Committee on Foreign Affairs.

3897. By Mr. CULLEN: Two petitions of New York Association of Letter Carriers and Post Office Clerks, favoring increase in postal salaries; to the Committee on the Post Office and Post Roads.

3898. Also, petition of American Medical Society, favoring publication of a medical history of the Great War; to the Committee on Appropriations.

3899. Also, petition of Architectural and Ornamental Iron and Bronze Workers' Union, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3900. Also, petition of New York State Industrial Safety Congress, favoring vocational rehabilitation bill; to the Committee on Education.

3901. By Mr. ESCH: Petition of employees of Fraternal Brotherhood of Los Angeles, Calif., favoring the passage of House bill 10925 and Senate bill 3259; to the Committee on Interstate and Foreign Commerce.

3902. By Mr. FULLER of Illinois: Petition of A. D. Gates Co., of Sycamore, Ill., opposing the McNary bill for stamping the cost price on each pair of shoes; to the Committee on Interstate and Foreign Commerce.

3903. By Mr. GOLDFOGLE: Petition of New York State Federation of Labor of Utica, N. Y., favoring the Fess-Kenyon vocational rehabilitation bill; to the Committee on Education.

3904. Also, petition of Cloak and Suit Tailors' Union, Local No. 9, and Architectural and Ornamental Iron and Bronze Workers' Union of New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3905. By Mr. IGOE: Petition of St. Louis Chamber of Commerce, protesting against compulsory adoption of the metric system; to the Committee on Coinage, Weights, and Measures.

3906. Also, petition of former citizens of White Russia, Ukraine, and Lithuania, asking revocation of Polish mandate; to the Committee on Foreign Affairs.

3907. Also, petition of Advertising Club of St. Louis, protesting against House bill 12976; to the Committee on Ways and Means.

3908. By Mr. JOHNSTON of New York: Petition of Brooklyn Council, No. 72, Royal Arcanum, in connection with increase in postal salaries; to the Committee on the Post Office and Post Roads.

3909. Also, petition of Architectural and Ornamental Iron and Bronze Workers' Union of New York, favoring amnesty for political prisoners; to the Committee on the Judiciary.

3910. Also, petition of New York State Industrial Safety Congress in connection with vocational rehabilitation; to the Committee on Education.

3911. By Mr. LONERGAN: Petition of Connecticut Congress for Mothers, favoring the passage of the Sheppard-Towner bill; to the Committee on Education.

3912. Also, petition of diocese of Connecticut against the Yukon canneries and directing attention to Far East affairs; to the Committee on Foreign Affairs.

3913. By Mr. MEAD: Petition of the board of directors of the Corn Exchange of Buffalo, N. Y., protesting against section 704 of House bill 13874; to the Committee on Ways and Means.

3914. Also, petition of Wolanski Post, No. 707, American Legion plan for bonus; to the Committee on Ways and Means.

3915. By Mr. O'CONNELL: Petition of Butterick Publishing Co. in connection with increased postal salaries; to the Committee on the Post Office and Post Roads.

3916. Also, petition of Air Reduction Co., of New York, in connection with proposed patent legislation; to the Committee on Patents.

3917. Also, petition of New York State Industrial Safety Congress and New York State Federation of Labor in connection with the vocational rehabilitation bill; to the Committee on Education.

3918. Also, petition of Lannin & Kemp and Harvey A. Willis Co., of New York, protesting against soldier bonus legislation; to the Committee on Ways and Means.

3919. By Mr. TAGUE: Petition of New England Section of Society of American Foresters, favoring report of Joint Commission on Reclassification of Salaries; to the Committee on Reform in the Civil Service.

3920. Also, petition of National Association of Cotton Manufacturers opposing immediate passage of pending patent legislation; to the Committee on Patents.

3921. Also, 49 petitions of residents of Boston, Mass., favoring increase in wages for postal employees; to the Committee on the Post Office and Post Roads.

3922. By Mr. TILSON: Petition of Connecticut Congress of Mothers, urging passage of Sheppard-Towner bill; to the Committee on Education.

## SENATE.

THURSDAY, May 27, 1920.

(Legislative day of Monday, May 24, 1920.)

The Senate reassembled at 12 o'clock m., on the expiration of the recess.

### MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by D. K. Hempstead, its enrolling clerk, announced that the House agrees to the amendments of the Senate to the bill (H. R. 13416) making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1921, and for other purposes.

The message also announced that the House agrees to the amendment of the Senate to the bill (H. R. 4438) to provide for the promotion of vocational rehabilitation of persons disabled in industry or otherwise and their return to civil employment.

The message further announced that the House disagrees to the amendments of the Senate to the bill (H. R. 13587) making appropriations for the support of the Army for the fiscal year ending June 30, 1921, and for other purposes, agrees to the conference asked for by the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. KAHN, Mr. ANTHONY, and Mr. DENT managers at the conference on the part of the House.

The message also announced that the House had passed the joint resolution (S. J. Res. 170) to authorize and direct the Secretary of the Navy to open certain naval radio stations for the use of the general public with an amendment, in which it requested the concurrence of the Senate.

The message further announced that the Speaker of the House had signed the following enrolled bill and joint resolution, and they were thereupon signed by the Vice President:

S. 3897. An act to amend section 16 of the act of Congress approved July 17, 1916, known as the Federal farm-loan act; and S. J. Res. 179. Joint resolution authorizing use of Army transports by teams, individuals, and their equipment representing the United States in Olympic games and international competition.

### PETITIONS AND MEMORIALS.

Mr. CAPPER presented a memorial of Local Lodge No. 65, Brotherhood of Railway Trainmen, of Osawatimie, Kans., remonstrating against the passage of the Army reorganization bill, which was ordered to lie on the table.

He also presented a petition of the Women's Auxiliary, Benjamin Fuller Post, American Legion, of Pittsburg, Kans., praying for the granting of a bonus to ex-service men, which was referred to the Committee on Finance.

He also presented a memorial of the Lyon County Pomona Grange, Patrons of Husbandry, of Emporia, Kans., remonstrating against the passage of the so-called Nolan tax bill, which was referred to the Committee on Finance.

Mr. McLEAN presented a petition of Local Union No. 22, Journeymen Tailors' Union of America, of New Haven, Conn., praying for the parole of Federal prisoners, which was referred to the Committee on the Judiciary.

He also presented petitions of the Chamber of Commerce of New Britain; of Local Branch No. 175, National Association of Letter Carriers, of Middletown; of the Central Labor Union of Stamford; of Local Council No. 8, Order of United American Mechanics, of New Britain; of the Chamber of Commerce of West Haven; of Court Washington, No. 67, Foresters of America, of Torrington; and of sundry citizens of Bridgeport, all of the State of Connecticut, praying for an increase in the

salaries of postal employees, which were referred to the Committee on the Post Office and Post Roads.

He also presented a memorial of the Albanian Society of Goodyear, Conn., remonstrating against the annexation of the southern Provinces of Albania to Greece, which was referred to the Committee on Foreign Relations.

He also presented memorials of the directors of the National Bank of New England, of East Haddam; the Connecticut National Bank, of Bridgeport; the Middletown National Farmers & Mechanics' Savings Bank, of Middletown; the Savings Bank of Middletown; and the Chelsea Savings Bank, of Norwich; the Danbury National Bank, of Danbury; and the Rockville National Bank, of Rockville; and of the East Hampton Bank & Trust Co., of East Hampton, all in the State of Connecticut, remonstrating against the enactment of legislation imposing a Federal tax on the sale of securities, which were referred to the Committee on Finance.

He also presented a petition of the Congress of Mothers for Child Welfare of the State of Connecticut, praying for the enactment of legislation providing for the protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

Mr. TOWNSEND (for Mr. NEWBERRY) presented a petition of sundry citizens of Ann Arbor, Mich., praying for the enactment of legislation providing for the protection of maternity and infancy, which was referred to the Committee on Public Health and National Quarantine.

He also (for Mr. NEWBERRY) presented memorials of Local Lodge No. 8, Pan-Albanian Mohammedan Religion Society of America, of Detroit; of the Albanian Educational Club of Detroit; of the Albanian Society of Pontiac; and of the Pan-Albanian Federation of America, all in the State of Michigan, remonstrating against the enactment of legislation awarding to Greece by the peace conference of Northern Epirus, including Corytza, the 12 islands of the Aegean and the western coast of Asia Minor, which were referred to the Committee on Foreign Relations.

He also (for Mr. NEWBERRY) presented a memorial of the Civic and Commercial Association of Sault Ste. Marie, Mich., remonstrating against the enactment of legislation recognizing the soviet government of Russia by the United States, which was referred to the Committee on Foreign Relations.

### REPORTS OF COMMITTEES.

Mr. SHERMAN, from the Committee on the District of Columbia, to which was referred the bill (H. R. 7158) to provide for the expenses of the government of the District of Columbia, reported it with an amendment and submitted a report (No. 636) thereon.

Mr. LODGE, from the Committee on Foreign Relations, reported an amendment proposing to appropriate \$2,500 for the expenses of two officers of the Public Health Service to be designated by the President to represent the United States at the Sixth International Sanitary Conference at Montevideo, Uruguay, from December 12 to 20, 1920, etc., intended to be proposed to the general deficiency appropriation bill, and moved that it be referred to the Committee on Appropriations and printed, which was agreed to.

### BILLS AND JOINT RESOLUTION INTRODUCED.

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CALDER:

A bill (S. 4450) for the relief of Lewis W. Flaunlacher; and A bill (S. 4451) for the relief of the estate of David Clark; to the Committee on Claims.

A bill (S. 4452) providing for the establishment of a probation system in the United States courts, except in the District of Columbia; to the Committee on the Judiciary.

By Mr. BRANDEGEE:

A joint resolution (S. J. Res. 206) authorizing the erection on public grounds in the city of Washington, D. C., of a memorial to Jeanne d'Arc; to the Committee on the Library.

### AMENDMENT TO DEFICIENCY APPROPRIATION BILL.

Mr. STERLING submitted an amendment authorizing the Secretary of the Senate and Clerk of the House of Representatives to pay to the officers and employees of the Senate and the House borne on the annual and session rolls on the 1st day of May, 1920, for extra services during the first and second sessions of the Sixty-sixth Congress, a sum equal to one month's pay at the compensation allowed them by law, etc., intended to be proposed by him to the general deficiency appropriation bill, which was ordered to be printed, and, with accompanying paper, referred to the Committee on Appropriations.